

THE
INDIAN COUNCILS ACTS,
1861 & 1892.
AND
ALL COGNATE ACTS,
WITH
REGULATIONS, RULES, &c.

THE
INDIAN COUNCILS ACTS,
1861 & 1892,

AND

ALL COGNATE ACTS :

THE REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN
COUNCILS ACT, 1892, AND THE RULES TO GIVE
EFFECT TO THE SAME :

THE RULES FOR THE CONDUCT OF BUSINESS, FOR THE
DISCUSSION OF THE ANNUAL FINANCIAL STATE-
MENT, AND THE ASKING OF QUESTIONS IN
ALL THE INDIAN LEGISLATIVE
COUNCILS,

TOGETHER WITH

A PRECIS OF LEGISLATIVE STANDING ORDERS

COMPILED BY

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No. 2070.

PROCLAMATION.

HOME DEPARTMENT.

Fort William, November 16th, 1861.

WHEREAS it is declared by the 54th section of the Act 24 & 25 Vict., c. 67, entitled "An Act to make better provision for the constitution of the Council of the Governor-General of India, and for the Local Government of the several Presidencies and Provinces of India, and for the temporary Government of India in the event of a vacancy in the Office of Governor-General," that the said Act shall commence and come into operation as soon as the same shall have been published by the Governor-General in Council by proclamation, His Excellency the Governor-General in Council does hereby publish and proclaim the said Act for general information.

ANNO VICESIMO QUARTO & VICESIMO QUINTO
VICTORIÆ REGINÆ.

* * * * *

CAP. LXVII.

AN ACT TO MAKE BETTER PROVISIONS FOR THE CONSTITUTION OF THE COUNCIL OF THE GOVERNOR-GENERAL OF *India*, AND FOR THE LOCAL GOVERNMENT OF THE SEVERAL PRESIDENCIES AND PROVINCES OF *India*, AND FOR THE TEMPORARY GOVERNMENT OF *India* IN THE EVENT OF A VACANCY IN THE OFFICE OF GOVERNOR-GENERAL.

[1st August 1861.]

WHEREAS it is expedient that the Provisions of former Acts of Parliament respecting the Constitution and Functions

L. 2.

1. This Act may be cited for all

Purposes as "The *Indian* Councils
Act, 1861."

Acts. Sections Forty, Forty-three, Forty-four, Forty-five, Forty-six, Forty-seven, Forty-eight, Forty-nine, Fifty, Fifty-one, Fifty-two, Fifty-three, Fifty-four, Fifty-five, Fifty-six, Fifty-seven, Fifty-eight, Fifty-nine, Sixty, Sixty-one, Sixty-two, Sixty-three, Sixty-four, Sixty-five, Sixty-six, Sixty-seven, Sixty-eight, Sixty-nine, Seventy, and so much of Sections Sixty-one and Sixty-four as relates to Vacancies in the Office of ordinary Member of the Council of *India* of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, for effecting an Arrangement with the *East India* Company, and for the better Government of Her Majesty's *Indian* Territories, till the Thirtieth Day of *April* One thousand eight hundred and fifty-four, Sections Twenty-two, Twenty-three, Twenty-four, and Twenty-six, of the Act of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, "to provide for the Government of *India*," and the Act of the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Eighty-seven, "to remove Doubts as to the Authority of the Senior Member of the Council of the Governor-General of *India* in the Absence of the President," are hereby repealed, and all other Enactments whatsoever now in force with relation to the Council of the Governor-General of *India*, or to the Councils of the Governors of the respective Presidencies of *Fort St. George* and *Bom-*

bay, shall, save so far as the same are altered by or are repugnant to this Act, continue in force, and be applicable to the Council of the Governor-General of *India* and the Councils of the respective Presidencies under this Act.

3. There shall be Five ordinary Members of the said Council of the Governor-General, Three of whom shall from Time to Time be appointed * * * * * from among such persons as shall have been, at the time of such appointment, in the Service in *India* of the Crown, or of the Company and the Crown, for at least Ten Years; and if the Person so appointed shall be in the Military Service of the Crown, he shall not, during his Continuance in Office as a Member of Council, hold any Military Command, or be employed in actual Military Duties; and the remaining Two, One of whom shall be a Barrister or a Member of the Faculty of Advocates in *Scotland*, of not less than Five Years' Standing, shall be appointed from Time to Time by Her Majesty by Warrant under Her Royal Sign Manual; and it shall be lawful for the Secretary of State in Council to appoint the Commander-in-Chief of Her Majesty's Forces in *India* to be an extraordinary Member of the said Council, and such extraordinary Member of Council shall have Rank and Precedence at the Council Board next after the Governor-General.

4. The present ordinary Members of the Council of the Governor-General of *India* shall continue to be ordinary Members under and for the purposes of this Act; and it shall be lawful for Her Majesty, on the passing of this Act, to appoint by warrant as aforesaid an ordinary Member of Council, to complete the Num-

The appointments of the ordinary Members of the Governor-General's Council and of the Members of Council of the several Presidencies shall, after the passing of this Act, be made by Her Majesty by warrant under Her Royal Sign Manual [32 & 33 Vict., c 97, s. 8]. See 37 & 38 Vict., c. 91.

ber of five hereby established ; and there shall be paid to such ordinary Member, and to all other ordinary Members who may be hereafter appointed, such Amount of Salary as may from Time to Time be fixed for Members of the Council of the Governor-General by the Secretary of State in Council with the concurrence of a Majority of Members of Council present at the Meeting : and all Enactments of any Act of Parliament, or Law of *India* respecting the Council of the Governor-General of *India* and the Members thereof, shall be held to apply to the said Council as constituted by this Act, except so far as they are repealed by, or are repugnant to, any Provisions of this Act.

5. It shall be lawful for the Secretary of State in Council, with the Concurrence of a Majority of Members present at a Meeting, and for Her Majesty, by Warrant as aforesaid, respectively, to appoint any Person provisionally to succeed to the Office of ordinary Member of the Council of the Governor-General, when the same shall become vacant by the Death or Resignation of the Person holding the said Office, or on his Departure from *India* with Intent to return to *Europe*, or on any Event and Contingency expressed in any such Provisional Appointment, and such Appointment again to revoke ; but no Person so appointed to succeed provisionally to such Office shall be entitled to any Authority, Salary, or Emolument appertaining thereto until he shall be in the actual Possession of such Office.

6. Whenever the said Governor-General in Council shall declare that it is expedient that the said Governor-General should visit any Part of *India* unaccompanied by his Council, it shall be lawful for the said Governor-General in Council, previously to the Departure of the said Governor-General, to nominate some Member of the said Council to be President of the said Council, in whom, during the Time of such Visit, the Powers of the said

Power of making provisional appointments of Members of Council by Secretary of State.

Provision on Absence of Governor-General in other parts of India

Governor-General in Assemblies of the said Council shall be reposed, except that of assenting to, or withholding his Assent from, or reserving for the Signification of Her Majesty's Pleasure any Law or Regulation, as hereinafter provided; and it shall be lawful in every such Case, for the said Governor-General in Council, by an Order for that Purpose to be made, to authorize the Governor-General alone to exercise all or any of the Powers which might be exercised by the said Governor-General in Council in every Case in which the said Governor-General may think it expedient to exercise the same, except the Power of making Laws or Regulations.

7. Whenever the Governor-General, or such President so nominated as aforesaid, shall be obliged to absent himself from any Meeting of Council (other than Meetings for the Purpose of making Laws and Regulations, as hereinafter provided), owing to Indisposition or any other cause whatsoever, and shall signify his intended Absence to the Council, then and in every such Case the Senior Member for the Time being who shall be present at such Meeting shall preside thereat in such Manner, and with such full Powers and Authorities during the Time of such Meeting, as such Governor-General or President would have had in case he had been present at such Meeting: Provided always, that no Act of Council made at any such Meeting shall be valid to any effect whatsoever unless the same shall be signed by such Governor-General or President respectively, if such Governor-General or President shall at the Time be resident at the Place at which such Meeting shall be assembled, and shall not be prevented by such Indisposition from signing the same: Provided always, that in case such Governor-General or President, not being so prevented as aforesaid, shall decline or refuse to sign such Act of Council, he, and the several Members of Council who shall have signed the same, shall mutually exchange with and com-

municate in Writing to each other the Grounds and Reasons of their respective Opinions in like Manner and subject to such Regulations and ultimate Responsibility as are by an Act of the Thirty-third Year of King *George* the Third, Chapter, Fifty-two, Sections Forty-seven, Forty-eight, Forty-nine, Fifty, and Fifty-one, provided and described in Cases where such Governor-General shall, when present, dissent from any measure proposed or agitated in the Council.

8 It shall be lawful for the Governor-General from Time to Time to make Rules and Orders for the more convenient Transaction of Business in the said Council; and any Order made or Act done in accordance with such Rules and Orders (except as hereafter provided respecting Laws and Regulations) shall be deemed to be the Order or Act of the Governor-General in Council.

9. The said Council shall from Time to Time assemble at such Place or Places as shall be appointed by the Governor-General in Council within the Territories of *India*; and as often as the said Council shall assemble within either of the Presidencies of *Fort Saint George* or *Bombay*, the Governor of such Presidency shall act as an extraordinary Member of Council; and as often as the said Council shall assemble within any other Division, Province, or Territory having a Lieutenant-Governor, such Lieutenant-Governor shall act as an additional Councillor at Meetings of the Council, for the Purpose of making Laws and Regulations only, in manner hereinafter provided.

10. For the better Exercise of the Power of making Laws and Regulations vested in the Governor-General in Council, the Governor-General shall nominate, in addition to the

Additional Members to be
appointed by the Governor-
General in Council, and shall

ordinary and extraordinary Members above mentioned, and to such Lieutenant-Governor in the Case aforesaid, such Persons, not less than Six nor more than Twelve in Number, as to him may seem expedient, to be Members of Council for the Purpose of making Laws and Regulations only, and such Persons shall not be entitled to sit or vote at any Meeting of Council, except at Meetings held for such Purpose: Provided that not less than One-half of the Persons so nominated shall be non-official Persons, that is, Persons who, at the Date of such Nomination, shall not be in the Civil or Military Service of the Crown in *India*, and that the Seat in Council of any non-official Member accepting Office under the Crown in *India* shall be vacated on such Acceptance.

11. Every additional Member of Council so nominated shall be summoned to all Meetings held for the Purpose of making Laws and Regulations, for the Term of Two Years from the Date of such Nomination.

Additional Members to be appointed for two Years.

12. It shall be lawful for any such additional Member of Council to resign his Office to the Governor-General, and on Acceptance of such Resignation by the Governor-General, such Office shall become vacant.

Resignation of additional Members.

* * * * *

14 No Law or Regulation made by the Governor-General in Council, in accordance with the Provisions of this Act, shall be deemed invalid by reason only that the Proportion of non-official additional Members hereby provided was not complete at the Date of its Introduction to the Council or its Enactment.

No Law to be invalid by reason of Number of non-official Members being incomplete.

15. In the Absence of the Governor-General and of the President nominated as aforesaid, the senior ordinary Member of the Council present shall preside at Meetings of the Council for making Laws and Regulations, and the power of making Laws and Regulations vested in the Governor-General in Council shall be exercised only at Meetings of the said Council at which such Governor-General or President, or some ordinary Member of Council, and Six or more Members of the said Council (including under the Term Members of the Council such additional Members as aforesaid), shall be present; and in every case of Difference of Opinion at Meetings of the said Council for making Laws and Regulations where there shall be an Equality of Voices, the Governor-General, or in his Absence, the President, and in the Absence of the Governor-General and President, such senior ordinary Member of Council then presiding, shall have Two Votes or the Casting Vote.

16. The Governor-General in Council shall, as soon as conveniently may be, appoint a Place and Time for the First Meeting of the said Council of the Governor-General for making Laws and Regulations under this Act, and summon thereto as well the additional Councillors nominated by and under this Act as the other Members of such Council; and until such First Meeting the powers now vested in the said Governor-General of *India* in Council of making Laws and Regulations shall and may be exercised in like Manner and by the same Members as before the passing of this Act.

17. It shall be lawful for the Governor-General in Council from Time to Time to appoint all other Times and Places of Meeting of the Council for the Purpose of making Laws and Regulations under the Provisions of this Act, and to adjourn or from Time

to Time to authorize such President, or senior ordinary Member of Council in his Absence, to adjourn any Meeting for the Purpose of making Laws and Regulations from Time to Time and from Place to Place.

18. It shall be lawful for the Governor-General in Council Governor-General to make Rules for Conduct of Business at such Meetings. to make Rules for the Conduct of Business at Meetings of the Council for the purpose of making Laws and Regulations under the Provisions of this Act, prior to the First of such Meetings; but such Rules may be subsequently amended at Meetings for the purpose of making Laws or Regulations, subject to the Assent of the Governor-General; and such Rules shall prescribe the Mode of Promulgation and Authentication of such Laws and Regulations: Provided always that it shall be lawful for the Secretary of State in Council to disallow any such Rule, and to render it of no effect.

19. No Business should be transacted at any Meeting for Business to be transacted at such Meetings. the Purpose of making Laws and Regulations, except as last hereinbefore provided, other than the Consideration and Enactment of Measures introduced into the Council for the Purpose of such Enactment; and it shall not be lawful for any Member or additional Member to make or for the Council to entertain any Motion, unless such Motion be for Leave to introduce some Measure as aforesaid into Council, or have reference to some Measure actually introduced thereinto: Provided always, that it shall not be lawful for any Member or additional Member to introduce, without the previous sanction of the Governor-General, any Measure affecting—

- 1st. The Public Debt or Public Revenues of *India*, or by which any Charge would be imposed on such Revenues :

2nd. The Religion or Religious Rites and Usages of any Class of Her Majesty's Subjects in *India* :

3rd. The Discipline or Maintenance of any Part of Her Majesty's Military or Naval Forces :

4th. The Relations of the Government with Foreign Princes or States.

20. When any Law or Regulation has been made by the Council at a Meeting for the Purpose of making Laws and Regulations as aforesaid, it shall be lawful for the Governor-General, whether he shall or shall not have been present in Council at the making thereof, to declare that he assents to the same, or that he withholds his Assent from the same, or that he reserves the same for the Signification of the Pleasure of Her Majesty thereon; and no such Law or Regulation shall have Validity until the Governor-General shall have declared his assent to the same, or until (in the Case of a Law or Regulation so reserved as aforesaid) Her Majesty shall have signified Her Assent to the same to the Governor-General, through the Secretary of State for *India* in Council, and such assent shall have been duly proclaimed by the said Governor-General.

21. Whenever any such Law or Regulation has been assented to by the Governor-General, he shall transmit to the Secretary of State for *India* an authentic Copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for *India* in Council, Her disallowance of such Law; and such disallowance shall make void and annul such Law from or after the Day on which the Governor-General shall make known, by Proclamation or by Signification to his Council, that he has received the Notification of such disallowance by Her Majesty.

22.* The Governor-General in Council shall have Power

Extent of the Powers of the Governor-General in Council to make Laws and Regulations at such Meetings.

at Meetings for the Purpose of making Laws and Regulations as aforesaid, and subject to the Provisions herein contained, to make Laws and Regulations for repealing, amending, or altering any Laws or Regulations whatever, now in force or hereafter to be in force in the *Indian Territories* now† under the Dominion of Her Majesty, and to make Laws and Regulations for all Persons, whether *British* or Native, Foreigners or others, and for all Courts of Justice whatever, and for all Places and Things whatever within the said Territories, and for all Servants of the Government of *India* within the Dominions of Princes and States in Alliance with Her Majesty; and the Laws and Regulations so to be made by the Governor-General in Council shall control and supersede any Laws and Regulations in anywise repugnant thereto which shall have been made prior thereto by the Governors of the Presidencies of *Fort Saint George* and *Bombay* respectively in Council, or the Governor or Lieutenant-Governor in Council of any Presidency or other Territory for which a Council may be appointed, with Power to make Laws and Regulations, under and by virtue of this Act; provided always that the said Governor-General in Council shall not have the Power of making any Laws and Regulations which shall repeal or in any way affect any of the Provisions of this Act;

Or any of the provisions of the Acts of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, and of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, and of the Seventeenth and Eighteenth Years of Her Majesty, Chapter

The Governor-General of India shall have power, at meetings for the purpose of making laws and regulations, to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise. [28 & 29 Vict., c. 17, s. 1.]

See 32 and 33 Vict., c. 98, and also 33 Vict., c. 3.

† "or hereafter," 55 and 56 Vict., c. 14, s. 3.

Seventy-seven, which after the passing of this Act shall remain in force :

Or any Provisions of the Act of the Twenty-first and Twenty-second Years of Her Majesty, Chapter One hundred and six, entitled *An Act for the better Government of India* ; or of the Act of the Twenty-second and Twenty-third Years of Her Majesty, Chapter Forty-one, to amend the same :

Or of any Act enabling the Secretary of State in Council to raise Money in the United Kingdom for the Government of *India* :

Or of the Acts for punishing Mutiny and Desertion in Her Majesty's Army or in Her Majesty's *Indian* Forces respectively ; but subject to the Provision contained in the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, Section Seventy-three, respecting the *Indian* Articles of War .

Or any Provisions of any Act passed in this present Session of Parliament, or hereafter to be passed, in anywise affecting Her Majesty's *Indian* Territories, or the Inhabitants thereof :

Or which may affect the Authority of Parliament, or the Constitution and Rights of the *East India* Company, or any Part of the unwritten Laws or Constitution of the United Kingdom of *Great Britain* and *Ireland*, whereon may depend in any Degree the Allegiance of any Person to the Crown of the United Kingdom, or the Sovereignty or Dominion of the Crown over any Part of the said Territories.

23. Notwithstanding anything in this Act contained, it

Governor-General may make Ordinances having Force of Law in Cases of urgent Necessity.

shall be lawful for the Governor-General, in Cases of Emergency, to make and promulgate from Time to Time

Ordinances for the Peace and good Government of the said Territories or of any Part thereof, subject however to the Restrictions contained in the last preceding Section; and every such Ordinance shall have like Force of Law with a Law or Regulation made by the Governor-General in Council, as by this Act provided, for the Space of not more than Six Months from its Promulgation, unless the Disallowance of such Ordinance by Her Majesty shall be earlier signified to the Governor-General by the Secretary of State for *India* in Council, or unless such Ordinance shall be controlled or superseded by some Law or Regulation made by the Governor-General in Council at a Meeting for the Purpose of making Laws and Regulations as by this Act provided.

24. No Law or Regulation made by the Governor-General in Council (subject to the Power of Disallowance by the Crown, as hereinbefore provided) shall be deemed invalid by reason only that it affects the Prerogative of the Crown.

No Law, &c., invalid by reason of its affecting any prerogative of the Crown.

25. Whereas Doubts have been entertained whether the Governor-General of *India* in Council had the Power of making Rules, Laws, and Regulations for the Territories known from Time to Time as "Non-Regulation Provinces," except at Meetings for making Laws and Regulations, in conformity with the Provisions of the said Acts of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, and of the Sixteenth and Seventeenth Years of Her Majesty, Chapter Ninety-five, and whether the Governor, or Governor in Council, or Lieutenant-Governor of any Presidency or Part of *India*, had such Power in respect of any such Territories: Be it enacted, that no Rule, Law, or Regulation which prior to the passing of this Act shall have been made by the Governor-General, or Governor-General in Council, or by any other of the Authorities aforesaid, for and in respect of any

Laws made for the Non-Regulation Provinces declared valid.

such Non-Regulation Province, shall be deemed invalid only by reason of the same not having been made in conformity with the Provisions of the said Acts, or of any other Act of Parliament respecting the Constitution and Powers of the Council of *India* or of the Governor-General, or respecting the Powers of such Governors, or Governors in Council, or Lieutenant-Governors as aforesaid.

26. It shall be lawful for the Governor-General in Council, or Governor in Council of either Provision for Leave of Absence to an ordinary Member of Council. of the Presidencies, as the Case may be, to grant to an ordinary Member of Council Leave of Absence, under Medical Certificate, for a Period not exceeding Six Months, and such Member, during his absence, shall retain his Office, and shall, on his Return and Resumption of his Duties, receive Half his Salary for the Period of such Absence, but if his Absence shall exceed Six Months, his Office shall be vacated.

27. If any Vacancy shall happen in the Office of an ordinary Member of the Council of the Governor-General, or of the Council of either of the Presidencies, when no Power of making temporary Appointments of Members of Council by Governor-General or Governor of a Presidency. Person provisionally appointed to succeed thereto shall be then present on the Spot, then, and on every such Occasion, such Vacancy shall be supplied by the Appointment of the Governor-General in Council, or the Governor in Council, as the Case may be; and until a Successor shall arrive, the Person so nominated shall execute the Office to which he shall have been appointed, and shall have all the Powers thereof, and shall have and be entitled to the Salary and other Emoluments and Advantages appertaining to the said Office during his Continuance therein, every such temporary Member of Council foregoing all Salaries and Allowances by him held and enjoyed at the time of his being appointed to such Office and if any ordinary Member of the Council

of the Governor-General, or of the Council of either of the Presidencies, shall, by any Infirmary or otherwise, be rendered incapable of acting or of attending to act as such, or if any such Member shall be absent on leave, and if any Person shall have been provisionally appointed as aforesaid, then the Place of such Member absent or unable to attend shall be supplied by such Person; and if no Person provisionally appointed to succeed to the Office shall be then on the Spot, the Governor-General in Council, or Governor in Council, as the Case may be, shall appoint some Person to be a temporary Member of Council, and, until the Return of the Member so absent or unable to attend, the Person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor-General in Council, or Governor in Council, as the Case may be, shall execute the Office to which he shall have been appointed, and shall have all the Powers thereof, and shall receive Half the Salary of the Member of Council whose Place he supplies, and also Half the Salary of his Office under the Government of *India*, or the Government of either of the Presidencies, as the Case may be, if he hold any such Office, the remaining Half of such last-named Salary being at the Disposal of the Government of *India*, or other Government as aforesaid: Provided always, that no Person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the Vacancy supplied by such temporary Appointment.

28. It shall be lawful for the Governors of the Presidencies of *Fort Saint George* and *Bombay* respectively from Time to Time to make Rules and Orders for the Conduct of Business in their Councils, and any Order made or Act done in accordance with such Directions (except as hereinafter provided respecting Laws and Regulations) shall be deemed to be the Order or Act of the Governor in Council.

Power to Governors of Fort Saint George and Bombay to make Rules for the Conduct of Business.

29.* For the better Exercise of the power of making Laws

Power to summon additional Members to the Council of Fort Saint George and Bombay for the purpose of making Laws and Regulations.

and Regulations hereinafter vested in the Governors of the said Presidencies in Council respectively, each of the said Governors shall, in addition to the Members whereof his Council now by Law consists, or may consist, termed herein ordinary Members, nominate to be additional Members the Advocate-General of the Presidency, or Officer acting in that Capacity, and such other Persons, not less than Four nor more than Eight in Number, as to him may seem expedient, to be Members of Council, for the Purpose of making Laws and Regulations only, and such Members shall not be entitled to sit or vote at any Meeting of Council, except at Meetings held for such Purpose; provided that not less than Half of the Persons so nominated shall be Non-official Persons, as hereinbefore described, and that the Seat in Council of any Non-official Member accepting Office under the Crown in *India* shall be vacated on such Acceptance.

30. Every additional Member of Council so nominated

Additional Members to be appointed for two years.

shall be summoned to all Meetings held for the Purpose of making Laws and Regulations for the Term of Two Years from the Date of such Nomination.

31. It shall be lawful for any such additional Member

Resignation of additional Members.

of Council to resign his Office to the Governor of the Presidency; and on Acceptance of such Resignation by the Governor of the Presidency such Office shall become vacant.

* * * * *

33. No Law or Regulation made by any such Governor in

No Law to be invalid by reason of incompleteness of non-official Members.

Council in accordance with the Provisions of this Act shall be deemed in-

valid by reason only that the Proportion of Non-official additional Members hereby established was not complete at the Date of its Introduction to the Council or its Enactment.

34. At any Meeting of the Council of either of the said Presidencies from which the Governor shall be absent the senior Civil ordinary Member of Council present shall preside; and the power of making Laws and Regulations hereby vested in such Governor in Council shall be exercised only at Meetings of such Council at which the Governor or some ordinary Member of Council, and Four or more Members of Council (including under the Term Members of Council such additional Members as aforesaid), shall be present; and in any Case of Difference of Opinion at Meetings of any such Council for making Laws and Regulations, where there shall be an Equality of Voices, the Governor, or in his Absence the senior Member then presiding, shall have Two Votes or the Casting Vote.

35. The Governor-General in Council shall, as soon as conveniently may be, appoint the Time for the First Meeting of the Councils of *Fort Saint George* and *Bombay* respectively, for the Purpose of making Laws and Regulations under this Act, and the Governors of the said Presidencies respectively shall summon to such meeting as well the additional Councillors appointed by and under this Act as the ordinary Members of the said Councils.

36. It shall be lawful for every such Governor to appoint all subsequent Times and Places of Meeting of his Council for the Purpose of making Laws and Regulations under the Provisions of this Act, and to adjourn or from Time to Time to authorize such senior ordinary Member of Council in his Absence to

adjourn any Meeting for making Laws and Regulations from Time to Time and from Place to Place.

37. Previously to the First of such Meetings of their Governors to make Rules and Orders for Conduct of Business at such Meetings. Councils for the Purpose of making Laws and Regulations under the Provisions of this Act, the Governors of the said Presidencies in Council respectively shall make Rules for the conduct of Business at such Meetings, subject to the Sanction of the Governor-General in Council; but such Rules may be subsequently amended at Meetings for the Purpose of making Laws and Regulations, subject to the Assent of the Governor: Provided always, that it shall be lawful for the Governor-General in Council to disallow any such Rule, and render the same of no Effect.

38. No business shall be transacted at any Meeting of the Business to be transacted at such Meetings. Council of either of the said Presidencies for the Purpose of making Laws and Regulations (except as last hereinbefore provided) other than the Consideration and Enactment of Measures introduced into such Council for the Purpose of such Enactment; and it shall not be lawful for any Member or additional Member to make, or for the Council to entertain, any Motion, unless such Motion shall be for Leave to introduce some Measure as aforesaid into Council, or have reference to some Measure actually introduced thereinto: Provided always, that it shall not be lawful for any Member or additional Member to introduce, without the previous Sanction of the Governor, any Measure affecting the Public Revenues of the Presidency, or by which any Charge shall be imposed on such Revenues.

39. When any Law or Regulation has been made by any Governors to assent to Laws and Regulations of Presidencies. such Council at a Meeting for the Purpose of making Laws and Regulations as aforesaid, it shall be lawful for the Governor, whe-

ther he shall or shall not have been present in Council at such Meeting, to declare that he assents to, or withholds his Assent from the same.

40. The Governor shall transmit forthwith an authentic Copy of every Law or Regulation to which he shall have so declared his Assent to the Governor-General, and no such Law or Regulation shall have Validity until the Governor-General shall have assented thereto, and such Assent shall have been signified by him to and published by the Governor: Provided always, that in every Case where the Governor-General shall withhold his Assent from any such Law or Regulation, he shall signify to the Governor in Writing his Reason for so withholding his Assent.

41. Whenever any such Law or Regulation shall have been assented to by the Governor-General, he shall transmit to the Secretary of State for *India* an authentic Copy thereof; and it shall be lawful for Her Majesty to signify, through the Secretary of State for *India* in Council, Her Disallowance of such Law or Regulation, and such Disallowance shall make void and annul such Law or Regulation from or after the Day on which such Governor shall make known by Proclamation, or by Signification to the Council, that he had received the Notification of Disallowance by Her Majesty.

42.* The Governor of each of the said Presidencies in Council shall have Power at Meetings for the Purpose of making Laws and Regulations as aforesaid, and, subject to the Provisions herein contained, to make Laws and Regulations for the Peace and good Government of such Presidency, and for that Purpose to repeal and amend any Laws and Regulations made prior to the coming into Oper-

Governor-General to assent to Laws and Regulations of Presidencies.

Power of the Crown to disallow Laws and Regulations of Presidencies.

Extent of Power of Governor of Presidency in Council to make Laws and Regulations.

* See 34 and 35 Vict., c. 34.

ation of this Act by any Authority in *India*, so far as they affect such Presidency: Provided always, that such Governor in Council shall not have the Power of making any Laws or Regulations which shall in any way affect any of the Provisions of this Act, or of any other Act of Parliament in force, or hereafter to be in force, in such Presidency.

43. It shall not be lawful for the Governor in Council of
Governor of Presidency, except with sanction of Governor-General, not to make or take into consideration certain Laws or Regulations. either of the aforesaid Presidencies, except with the Sanction of the Governor-General, previously communicated to him, to make Regulations or take into consideration any Law or Regulation for any of the Purposes next hereinafter mentioned; that is to say,

1. Affecting the public Debt of *India*, or the Customs Duties, or any other Tax or Duty now in force and imposed by the Authority of the Government of *India* for the general purposes of such Government :
2. Regulating any of the current Coin, or the Issue of any Bills, Notes, or other Paper Currency :
3. Regulating the Conveyance of Letters by the Post Office or Messages by the Electric Telegraph within the Presidency :
4. Altering in any way the Penal Code of *India*, as established by Act of the Governor-General in Council, No. 45 of 1860 :
5. Affecting the Religion or Religious Rites and Usages of any Class of Her Majesty's Subjects in *India* :
6. Affecting the Discipline or Maintenance of any Part of Her Majesty's Military or Naval Forces :
7. Regulating Patents or Copyright :
8. Affecting the Relations of the Government with Foreign Princes or States :

Provided always, that no Law, or Provision of any Law or Regulation which shall have been made by any such Governor in Council, and assented to by the Governor-General as aforesaid, shall be deemed invalid only by reason of its relating to any of the Purposes comprised in the above List.

44. The Governor-General in Council, so soon as it shall appear to him expedient, shall by Proclamation, extend the Provisions of this Act touching the making of Laws and Regulations for the Peace and good Government of the Presidencies of *Fort Saint George* and *Bombay* to the *Bengal* Division of the Presidency of *Fort William* in Bengal, and in other Parts of India.

Governor-General may establish Councils for making Laws and Regulations in the Presidency of Fort William in Bengal, and in other Parts of India.

shall appear to him expedient, shall by Proclamation, extend the Provisions of this Act touching the making of Laws and Regulations for the Peace and good Government of the Presidencies of *Fort Saint George* and *Bombay* to the *Bengal* Division of the Presidency of *Fort William*, and shall specify in such Proclamation the Period at which such Provisions shall take effect, and the Number of Councillors whom the Lieutenant-Governor of the said Division may nominate for his Assistance in making Laws and Regulations; and it shall be further lawful for the Governor-General in Council, from Time to Time and in his Discretion, by similar Proclamation to extend the same Provisions to the Territories known as the North-Western Provinces and the *Punjab* respectively.

45. Whenever such Proclamation as aforesaid shall have been issued regarding the said Division or Territories respectively, the Lieutenant-Governor thereof shall nominate, for his Assistance in making Laws and Regulations, such Number of Councillors as shall be in such Proclamation specified; provided that not less than One-Third of such Councillors shall in every Case be non-official Persons, as hereinbefore described, and that the Nomination of such Councillors shall be subject to the Sanction of the Governor-General; and provided further, that at any Meeting of any such Council from which the Lieutenant-Governor shall be absent, the Member highest in official Rank among those who may hold Office under the

Constitution of such Council.

Crown shall preside; and the power of making Laws and Regulations shall be exercised only at Meetings at which the Lieutenant-Governor, or some Member holding Office as aforesaid, and not less than One-Half of the Members of Council so summoned as aforesaid shall be present; and in any Case of Difference of Opinion at any Meetings of such Council for making Laws and Regulations, where there shall be an Equality of Voices, the Lieutenant-Governor, or such Member highest in official Rank as aforesaid then presiding shall, have Two Votes or the Casting Vote.

46. It shall be lawful for the Governor-General, by Proclamation as aforesaid, to constitute from Time to Time new Provinces for the Purposes of this Act, to which the like Provisions shall be applicable and further to appoint from Time to Time a Lieutenant-Governor to any Province so constituted as aforesaid, and from Time to Time to declare and limit the Extent of the Authority of such Lieutenant-Governor, in like manner as is provided by the Act of the Seventeenth and Eighteenth Years of Her Majesty, Chapter Seventy-seven, respecting the Lieutenant-Governors of *Bengal* and the North-Western Provinces.

47. It shall be lawful for the Governor-General in Council, by such Proclamation as aforesaid, to fix the Limits of any Presidency, Division, Province, or Territory in *India* for the purposes of this Act, and further by Proclamation to divide or alter from Time to Time the Limits of any such Presidency, Division, Province, or Territory for the said Purposes: Provided always, that any Law or Regulation made by the Governor or Lieutenant-Governor in Council of any Presidency, Division, Province, or Territory shall continue in force in any Part thereof which may be severed therefrom by any such Proclamation until superseded by Law or Regulation of the

Governor-General in Council, or of the Governor or Lieutenant-Governor in Council of the Presidency, Division, Province, or Territory to which such Part may become annexed.

48. It shall be lawful for every such Lieutenant-Governor in Council thus constituted to make Laws for the Peace and good Government of his respective Division, Province, or Territory; and except as otherwise hereinbefore specially provided, all the Provisions in this Act contained respecting the Nomination of additional Members for the Purpose of making Laws and Regulations for the Presidencies of *Fort Saint George* and *Bombay*, and limiting the Power of the Governors in Council of *Fort Saint George* and *Bombay*, for the Purpose of making Laws and Regulations, and respecting the Conduct of Business in the Meetings of such Councils for that Purpose, and respecting the Power of the Governor-General to declare or withhold his Assent to Laws or Regulations made by the Governor in Council of *Fort Saint George* and *Bombay*, and respecting the Power of Her Majesty to disallow the same, shall apply to Laws or Regulations to be so made by any such Lieutenant-Governor in Council.

49. Provided always, that no Proclamation to be made by the Governor-General in Council under the Provisions of this Act, for the Purpose of constituting any Council for the Presidency, Division, Provinces, or Territories hereinbefore named, or any other Provinces, or for altering the Boundaries of any Presidency, Division, Province, or Territory, or constituting any new Province for the Purpose of this Act, shall have any Force or Validity until the Sanction of Her Majesty to the same shall have been previously signified by the Secretary of State in Council to the Governor-General.

Former Provisions of this Act extended to future Councils.

Previous Assent of the Crown necessary to give Validity to any such Proclamation.

50. If any Vacancy shall happen in the office of Governor-General of *India* when no provisional Successor shall be in *India* to supply such Vacancy, then and in every such Case the Governor of the Presidency of *Fort Saint George* or the Governor of the Presidency of *Bombay* who shall have been first appointed to the Office of Governor by Her Majesty, shall hold and execute the said Office of Governor-General of *India* and Governor of the Presidency of *Fort William* in *Bengal* until a Successor shall arrive, or until some Person in *India* shall be duly appointed thereto ; and every such acting Governor-General shall, during the Time of his continuing to act as such, have and exercise all the Rights and Powers of Governor-General of *India* and shall be entitled to receive the Emoluments and Advantages appertaining to the Office by him supplied, such acting Governor-General foregoing the Salary and Allowances appertaining to the Office of Governor to which he stands appointed, and such Office of Governor shall be supplied for the Time during which such Governor shall act as Governor-General, in the Manner directed in Section Sixty-three of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five.

Provision for the supply of the Office of Governor-General in certain Circumstances.

51. If, on such Vacancy occurring, it shall appear to the Governor, who, by virtue of this Act, shall hold and execute the said Office of Governor-General, necessary to exercise the Powers thereof before he shall have taken his Seat in Council, it shall be lawful for him to make known by Proclamation his Appointment, and his Intention to assume the said Office of Governor-General, and after such Proclamation, and thenceforth until he shall repair to the Place where the Council may assemble, it shall be lawful for him to exercise alone all or any of the Powers which

If it appears to Governor necessary to exercise Powers before taking his Seat in Council, he may make his Appointment, &c, known by Proclamation.

might be exercised by the Governor-General in Council, except the Power of making Laws and Regulations; and all Acts done in the Exercise of the said Powers, except as aforesaid, shall be of the same Force and Effect as if they had been done by the Governor-General in Council; provided that all Acts done in the said Council after the Date of such Proclamation, but before the Communication thereof to such Council, shall be valid, subject nevertheless to Revocation or Alteration by such Governor who shall have so assumed the said Office of Governor-General; and from the Date of the Vacancy occurring until such Governor shall have assumed the said Office of Governor-General the Provisions of Section Sixty-two of the Act of the Third and Fourth Years of King *William* the Fourth, Chapter Eighty-five, shall be and the same are declared to be applicable to the Case.

52. Nothing in this Act contained shall be held to derogate from or interfere with (except as hereinbefore expressly provided) the Rights vested in Her Majesty, or the Powers of the Secretary of State for *India* in Council, in relation to the Government of Her Majesty's Dominions in *India*, under any Law in force at the Date of the passing of this Act; and all Things which shall be done by Her Majesty, or by the Secretary of State as aforesaid, in relation to such Government, shall have the same Force and Validity as if this Act had not been passed.

53. Wherever any Act or Thing is by this Act required or authorized to be done by the Governor-General or by the Governors of the Presidencies of *Fort Saint George* and *Bombay* in Council, it is not required that such Act or Thing should be done at a Meeting for making Laws and Regulations, unless where expressly provided.

* * * * *

32 & 33 VICTORIA, CHAPTER 98.

An Act to define the powers of the Governor-General of India in Council at meetings for making laws and regulations for certain purposes.

[11th August 1869.]

WHEREAS doubts have arisen as to the extent of power of the Governor-General of India in Council to make laws binding upon native Indian subjects beyond the Indian territories under the dominion of Her Majesty :

And whereas it is expedient that better provision should be made in other respects for the exercise of the power of the Governor-General in Council :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. From and after the passing of this Act, the Governor-General of India in Council shall have power at meetings for the purpose of making laws and regulations to make laws and regulations for all persons being native Indian subjects of Her Majesty, Her heirs and successors, without and beyond as well as within the Indian territories under the dominion of Her Majesty.

* * * * *

3. Notwithstanding anything in the Indian Councils Act or in any other Act of Parliament contained, any law or regulation which shall hereafter be made by the Governor-General in Council in manner in the said Indian Councils Act provided shall not be invalid by reason only that it may repeal or affect any of the provisions of the said Act of the third and fourth years of King William the Fourth, chapter eighty-five, contained in sections eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, and eighty-six of the said Act.

Power to make laws for native Indian subjects beyond the Indian territories.

Power to repeal or amend certain sections of 3 & 4 Wm. IV., c. 85.

33 VICTORIA, CHAPTER 3.

An Act to make better provision for making Laws and Regulations for certain parts of India, and for certain other purposes relating thereto.

[25th March 1870.]

WHEREAS it is expedient that provision should be made to enable the Governor-General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of the Indian Councils Act, 1861, and also for certain other purposes connected with the government of India :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. Every Governor of a Presidency in Council, Lieutenant-Governor, or Chief Commissioner, whether the Governorship, or Lieutenant-Governorship, or Chief Commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor-General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in Council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

Power to Executive Government of British India to make regulations for certain parts thereof.

And the Governor-General in Council shall take such drafts and reasons into consideration ; and when any such draft shall have been approved of by the Governor-General in Council, and shall have received the Governor-General's assent, it shall be published in the *Gazette of India* and in

the local Gazette, and shall thereupon have like force of law and be subject to the like disallowances as if it had been made by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any Governor, Lieutenant-Governor, or Chief Commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

2. The Governor-General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor-General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

Copies of regulations to be sent to Secretary of State.

Subsequent enactments to control regulations.

3. Whenever the Governor-General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a Lieutenant-Governor or a Chief Commissioner, the Lieutenant-Governor or Chief Commissioner respectively shall be *ex-officio* an Additional Member of the Council of the Governor-General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

Lieutenant-Governors and Chief Commissioners to be Members *ex-officio* of the Governor-General's Council for the purpose of making laws and regulations.

* * * * *

5. Whenever any measure shall be proposed before the Governor-General of India in Council whereby the safety, tranquillity, or interests of the British possessions in In-

Procedure in case of difference between the Governor-General and the majority of his Council.

dia, or any part thereof, are or may be, in the judgment of the said Governor-General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in Council then present shall dissent from such opinion, the Governor-General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the Members of the Council shall have recorded on the subject.

6. Whereas it is expedient that additional facilities should

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.

be given for the employment of natives of India, of proved merit and ability, in the Civil Service of Her Majesty in India: Be it enacted, that nothing in the "Act for the Government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain appointments in India, and to amend the law concerning the Civil Service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the Civil Service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said Civil Service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as may be from time to time prescribed by the Governor-General in Council,

and sanctioned by the Secretary of State in Council, with the concurrence of a majority of members present : and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only ; and that it shall be lawful for the Governor-General in Council to define and limit from time to time the qualification of natives of India thus expressed ; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

34 & 35 VICTORIA, CHAPTER 34.

An Act to extend in certain respects the power of Local Legislatures in India as regards European British subjects.

[29th June 1871.]

WHEREAS it is expedient that the power of making laws and regulations conferred on Governors of Presidencies in India in Council by the Indian Councils Act, 24 & 25 Vict., c. 67, sec. 42, should in certain respects be extended :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. No law or regulation heretofore made or hereafter to be

Power to Local Legislatures to confer jurisdiction over European British subjects to magistrates in certain cases.

made by any Governor or Lieutenant-Governor in Council in India in manner prescribed by the aforesaid Act shall be

invalid only by reason that it confers on magistrates, being justices of the peace, the same jurisdiction over European British subjects as such Governor or Lieutenant-Governor in Council, by regulations made as aforesaid, could have lawfully conferred or could lawfully confer on magistrates in the exercise of authority over natives in the like cases.

2. When evidence has been given in any proceeding under

Committal of defendant (being an European British subject) to the High Court. (Indian Act No. XXV. of 1861, s. 226.)

this Act before a magistrate, being a justice of the peace, which appears to be sufficient for the conviction of the

accused person, being an European British subject, of an offence for which, if a native, he would, under existing law, be triable exclusively before the Court of Sessions, or which, in the opinion of the magistrate, is one which ought to be tried

by the High Court, the accused person, if such European British subject, shall be sent for trial by the magistrate before the High Court.

3. And whereas by an Act passed by the Governor-General of India in Council, Indian Act No. XXII. of 1870, it is provided that certain Acts heretofore passed by the Governors of Madras and Bombay respectively in Council, and by the Lieutenant-Governor of Bengal in Council, shall, so far as regards the liability of European British subjects to be convicted and punished thereunder, be and be deemed to be as valid as if they had been passed by the Governor-General of India in Council at a meeting for the purpose of making laws and regulations: Be it further enacted, that the said Governors and Lieutenant-Governor in Council respectively shall have power to repeal and amend any of the said Acts so declared valid, by Acts to be passed under the provisions of the Indian Councils Act.

Power to Local Legisla-
tures to amend and repeal
certain laws.

ral of India in Council, Indian Act No.
XXII. of 1870, it is provided that cer-

37 & 38 VICTORIA, CHAPTER 91.

An Act to amend the Law relating to the Council of the Governor-General of India.

WHEREAS it is expedient to amend the Law relating to the Council of the Governor-General of India :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. It shall be lawful for Her Majesty, if she shall see fit, Number of ordinary Members of Governor-General's Council may be increased—24 & 25 Vict., c. 67; 32 & 33 Vict., c. 97. to increase the number of the ordinary Members of the Council of the Governor-General of India to six, by appointing any person, from time to time, by warrant under Her Royal Sign Manual, to be an ordinary Member of the said Council in addition to the ordinary Members thereof appointed under section three of the "Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of Her present Majesty, Chapter ninety-seven. The law for the time being in force with reference to ordinary Members of the Council of the Governor-General of India shall apply to the person so appointed by Her Majesty under this Act, who shall be called the Member of Council for public works purposes.

2. Whenever a Member of Council for public works purposes shall have been appointed under the first section of this Act, it shall be lawful for Her Majesty, if she shall see fit, to diminish, from time to time, the number of the ordinary Members

Number of Members of Council may be subsequently diminished.

of the Council of the Governor-General of India to five, by abstaining so long as she shall deem proper, from filling up any vacancy or vacancies occurring in the offices of the ordinary Members of the said Council appointed under section three of the "Indian Councils Act, 1861," and under section eight of the Act of the thirty-second and thirty-third years of Her present Majesty, Chapter ninety-seven, not being a vacancy in the office of the ordinary Member of Council required by Law to be a Barrister or a Member of the Faculty of Advocates of Scotland; and whenever the Secretary of State for India shall have informed the Governor-General of India that it is not the intention of Her Majesty to fill up any vacancy, no temporary appointment shall be made to such vacancy under section twenty-seven of the "Indian Councils Act, 1861," and if any such temporary appointment shall have been made previously to the receipt of such information, the tenure of office of the person temporarily appointed shall cease and determine from the time of the receipt of such information by the Governor-General.

3. Nothing in this Act contained shall affect the provisions of section eight of the "Indian Councils Act, 1861," or the provisions of section five of the Act of the thirty-third year of Her Majesty, Chapter three, or any power or authority vested by law in the Governor-General of India in respect of his Council or of the Members thereof

Not to affect power of Governor-General in respect of his Council.

INDIAN COUNCILS ACT, 1892.

(55 & 56 VICTORIA, CHAPTER 14.)

An Act to amend the Indian Councils Act, 1861.

[20th June 1892.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. (1) The number of additional members of Council nomi-

Provisions for increase of number of members of Indian Councils for making laws and regulations.

nated by the Governor-General under the provisions of section ten of the Indian Councils Act, 1861, shall be such as to him may seem from time to time expedient, but shall not be less than ten nor more than sixteen; and the number of additional members of Council nominated by the Governors of the Presidencies of Fort St. George and Bombay respectively, under the provisions of section twenty-nine of the Indian Councils Act, 1861,* shall (besides the advocate-general of the presidency or officer acting in that capacity) be such as to the said governors respectively may seem from time to time expedient, but shall not be less than eight nor more than twenty.

(2) It shall be lawful for the Governor-General in Council by proclamation from time to time to increase the number of councillors whom the lieutenant-governors of the Bengal

Division of the presidency of Fort William and of the North-Western Provinces and Oudh respectively may nominate for their assistance in making laws and regulations: Provided always that not more than twenty shall be nominated for the Bengal Division, and not more than fifteen for the North-Western Provinces and Oudh.

(3) Any person resident in India may be nominated an additional member of Council under sections ten and twenty-nine of the Indian Councils Act, 1861, and this Act, or a member of the Council of the lieutenant-governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable.

(4) The Governor-General in Council may from time to time, with the approval of the Secretary of State in Council, make regulations as to the conditions under which such nominations, or any of them, shall be made by the Governor-General, Governors, and Lieutenant-Governors respectively, and prescribe the manner in which such regulations shall be carried into effect.

2. Notwithstanding any provision in the Indian Councils Act, 1861, the Governor-General of India in Council may from time to time make rules authorising at any meeting of the Governor-General's Council for the purpose of making laws and regulations the discussion of the Annual Financial Statement of the Governor-General in Council and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall be in the said rules prescribed or declared: And notwithstanding any provisions in the Indian Councils Act, 1861, the Governors in Council of Fort St. George and Bombay respectively, and the lieutenant-

Modification of provisions of 24 & 25 Vict., c. 67, as to business at Legislative meetings.

governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws and regulations, have been or are hereafter extended or made applicable, may from time to time make rules for authorising at any meeting of their respective Councils for the purpose of making laws and regulations the discussion of the Annual Financial Statement of their respective local governments and the asking of questions, but under such conditions and restrictions as to subject or otherwise as shall in the said rules applicable to such Councils respectively be prescribed or declared. But no member at any such meeting of any Council shall have power to submit or propose any resolution, or to divide the Council in respect of any such financial discussion, or the answer to any question asked under the authority of this Act, or the rules made under this Act : Provided that any rule made under this Act by a governor in council, or by a lieutenant-governor, shall be submitted for and shall be subject to the sanction of the Governor-General in Council, and any rule made under this Act by the Governor-General in Council shall be submitted for and shall be subject to the sanction of the Secretary of State in Council : Provided also that rules made under this Act shall not be subject to alteration or amendment at meetings for the purpose of making laws and regulations.

3. It is hereby declared that in the twenty-second section

Meaning of 24 & 25 Vict.,
c. 67, s. 22 ; 3 & 4 Will. IV.,
c. 85 ; and 16 & 17 Vict., c.
95.

of the Indian Councils Act, 1861, it was and is intended that the words " Indian territories now under the dominion of Her Majesty " should be read and construed as if the words " or hereafter " were and had at the time of the passing of the said Act been inserted next after the word " now " ; and further, that the Acts third and fourth William the Fourth, Chapter eighty-five, and sixteenth and seventeenth Victoria, Chapter ninety-five, respectively, shall be read and construed as if at the date of the enactment thereof respectively it was intended and had been enacted that the said Acts respectively

should extend to and include the territories acquired after the dates thereof respectively by the East India Company, and should not be confined to the territories at the dates of the said enactments respectively in the possession and under the government of the said company.

4. Sections thirteen and thirty-two of the Indian Councils Act, 1861, are hereby repealed, and it is enacted that—

Repeal. Power to fill up
vacancy in number of addi-
tional members.

(1) If any additional member of Council or any member of the council of a lieutenant-governor appointed under the said Act or this Act shall be absent from India or unable to attend to the duties of his office for a period of two consecutive months, it shall be lawful for the Governor-General, the governor, or the lieutenant-governor to whose council such additional member or member may have been nominated (as the case may be), to declare, by a notification published in the Government Gazette, that the seat in Council of such person has become vacant :

(2) In the event of a vacancy occurring by the absence from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted of any such additional member or member of the council of a lieutenant-governor, it shall be lawful for the Governor-General, for the governor, or for the lieutenant-governor, as the case may be, to nominate any person as additional member or member, as the case may be, in his place ; and every member so nominated shall be summoned to all meetings held for the purpose of making laws and regulations for the term of two years from the date of such nomination : Provided always that it shall not be lawful by such nomination, or by any other nomination made under this Act, to diminish the proportion of non-official members directed by the Indian Councils Act, 1861, to be nominated.

5. The local legislature of any province in India may from time to time, by Acts passed under and subject to the provisions of the Indian Councils Act, 1861, and with the previous sanction of the Governor-General, but not otherwise, repeal or amend as to that province any law or regulation made either before or after the passing of this Act by any authority in India other than that local legislature: Provided that an Act or a provision of an Act made by a local legislature, and subsequently assented to by the Governor-General in pursuance of the Indian Councils Act, 1861, shall not be deemed invalid by reason only of its requiring the previous sanction of the Governor-General under this section.

Powers of Indian provincial legislatures.

Definitions.

6. In this Act—

The expression "local legislature" means—

(1) The Governor in Council for the purpose of making laws and regulations of the respective provinces of Fort St. George and Bombay; and

(2) The council for the purpose of making laws and regulations of the lieutenant-governor of any province to which the provisions of the Indian Councils Act, 1861, touching the making of laws or regulations, have been or are hereafter extended or made applicable:

The expression "province" means any presidency, division, province, or territory over which the powers of any local legislature for the time being extend.

7. Nothing in this Act shall detract from or diminish the powers of the Governor-General in Council at meetings for the purpose of making laws and regulations.

Saving of powers of Governor-General in Council.

8. This Act may be cited as the Indian Councils Act,
Short title. 1892; and the Indian Councils Act,
1861, and this Act may be cited together as the Indian
Councils Acts, 1861 and 1892.

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PART II.

THE REGULATIONS MADE BY THE GOVERNOR-GENERAL IN COUNCIL UNDER SECTION I (4) OF THE INDIAN COUNCILS ACT, 1892, FOR BOMBAY, MADRAS, BENGAL, AND THE NORTH-WESTERN PROVINCES RESPECTIVELY, AND APPROVED BY THE SECRETARY OF STATE IN COUNCIL, AND THE RULES TO GIVE EFFECT TO THE SAME.

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REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, FOR BOMBAY.

1. Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated Additional Members of Council by the Governor of Bombay for his assistance in making Laws and Regulations, not more than nine shall be officials.

2. The nominations to eight seats shall be made by the Governor on the recommendation of the following Bodies and Associations respectively, namely,—

A—The Corporation of Bombay ;

B—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of the City of Bombay as the Governor in Council may from time to time prescribe by notification in the *Bombay Government Gazette* ;

C—Such District Local Boards, or group or groups of District Local Boards, as the Governor in Council may from time to time prescribe as aforesaid ;

D—The Sardars of the Deccan or such other class of large landholders as the Governor in Council may from time to time prescribe as aforesaid ;

E—Such Association or Associations of merchants, manufacturers, or tradesmen as the Governor in Council may from time to time prescribe as aforesaid ;

F—The Senate of the University of Bombay :

Provided that the Bodies described above under A, B, C, D, E, and F, respectively, shall each (except as hereinafter

provided in Rule 7) have at least one person nominated upon its recommendation, and A and F not more than one each.

3. The Governor may, at his discretion, nominate persons to such of the remaining seats as shall not be filled by officials, in such manner as shall, in his opinion, secure a fair representation of the different classes of the community.

4. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Governor shall cause the proper Body or group of Bodies, or Association or Associations, to be requested to recommend a person for nomination by the Governor.

5. The recommendation shall be made—

(a) in the case of a Municipal Corporation or of a District Local Board, or of the Sardars of the Deccan, or such other class of large landholders as the Governor in Council may from time to time prescribe, or of the Senate of the University, by a majority of votes of the Corporation, Board, Body, or Senate, respectively ;

(b) in the case of Associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the Association ;

(c) In the case of a group of Municipal Corporations, District Local Boards, or Associations, by the majority of votes of representatives to be appointed, according to such scale as the Governor in Council may from time to time prescribe, by the Corporations, Boards, or Associations.

6. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident

within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Local Boards.

7. If within two months after receiving the request of the Governor as provided by Rule 4 the Body or Association or group of Bodies or Associations fails to make a recommendation, the Governor may nominate at his discretion a person belonging to the class which the Body or Association or group is deemed to represent.

8. If the Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh request shall be issued as provided in Rule 4, and the procedure laid down in Rules 5 and 7 shall apply.

9. (a) As soon as conveniently may be after these Regulations come into force, eight of the seats held by non-official persons shall be filled up by recommendation under Rule 2.

(b) If there shall not be the full number of eight vacancies available for this purpose, the Governor shall determine at his discretion, subject always to the proviso in Rule 2, which of the Bodies or groups mentioned in that Rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any other vacancies among non-official members become available, until the full number of eight has been completed.

NOTIFICATION.

Bombay Castle, 30th March 1893.

The Governor in Council is pleased to publish for general information the following Rules for giving effect to the Regulations made by the Governor-General in Council under Section 1 (4) of the Indian Councils Act, 1892, for Bombay,

and approved by the Secretary of State in Council, as notified by the Government of India in their Notification No. 359, dated the 17th of March 1893 :—

1. Nominations of eight persons to be Additional Members of the Council of the Governor of Bombay for the purpose of making Laws and Regulations only will be made by the Governor of Bombay under Section 29 of the Indian Councils Act, 1861, subject to Rule 7 of the aforesaid Regulations made by the Governor-General in Council, on the recommendations of the following Bodies and Associations respectively :—

A—The Corporation of Bombay ;

B—A group of Municipal Corporations constituted by the combination of all Corporations in the Northern Division of the Presidency of Bombay containing a population of 5,000 and upwards, according to the last Imperial Census ;

C—A group of District Local Boards constituted by the combination of all the District Local Boards in the Southern Division of the Presidency of Bombay ,

D (i)—The Sardars of the Deccan, as contained in the list prepared in conformity with Government Resolution, Political Department, No. 2363, dated July 23rd, 1867 ;

D (ii)—A class of large landholders in Sind, as notified in a list to be published annually by the Commissioner of Sind in the *Sind Official Gazette* for the purposes of this rule, constituted of First and Second Class Jágirdárs, and of Zamindárs who for the three years preceding the publication of the list have each paid not less than Rs. 1,000 annually as ordinary land revenue ;

E (i)—The Association of persons engaged or interested in mercantile pursuits entitled the Bombay Chamber of Commerce ;

E (ii)—The Association of persons engaged or interested in mercantile pursuits entitled the Karáchi Chamber of Commerce ;

F—The Senate of the University of Bombay.

2. The Governor of Bombay, in pursuance of Rule 4 of the aforesaid Regulations, will cause the Secretary to Government in the Legislative Department to request the aforesaid Bodies and Associations to recommend persons for nomination by the Governor as additional Members of Council. These requests will be addressed to the persons indicated in the following list, who will also be requested to communicate to the Secretary to Government in the Legislative Department the recommendations of the Bodies or Associations concerned within two months after receiving the request of the Governor, in each case :—

In the case of A, the President of the Corporation of Bombay ;

In the case of B, the Commissioner of the Northern Division ;

In the case of C, the Commissioner of the Southern Division ,

In the case of D (i), the Agent for Sardars in the Deccan ;

In the case of D (ii), the Commissioner in Sind ;

In the case of E (i), the Chairman of the Bombay Chamber of Commerce ;

In the case of E (ii), the Chairman of the Karáchi Chamber of Commerce ;

In the case of F, the Vice-Chancellor of the University of Bombay.

3. The recommendation of the Bodies and Associations mentioned in Rule 1 shall be determined by a majority of votes given at an election as hereinafter indicated, that is to say,—

In the case of A, the Corporation of Bombay may recommend any person, provided he is ordinarily resident within the City of Bombay, who obtains a majority of the votes of the Corporation in his favour ;

In the case of B, the recommendation of a person ordinarily resident within the Northern Division may be made by the representatives of the group of Municipalities in that Division, appointed according to the following scale. Every Municipality forming a member of the group with a population between 5,000 and 10,000 may appoint one representative, and every Municipality with a population of 10,000 and upwards may appoint an additional representative for every additional 10,000 or fraction of 10,000 of population, thus :

A Municipality with a population of—

5,000	may appoint	1	representative.
9,573	"	"	...	1	"
40,168	"	"	...	5	representatives.

In the case of C, the recommendation of a person ordinarily resident within the Southern Division may be made by the representatives of the group of District Local Boards in that Division appointed according to the following scale. Every District Local Board forming a member of the group may appoint a representative for each 100,000 or fraction of 100,000 of the population of the district according to the last Imperial Census, thus :

The District Local Board of—

Belgaum	with a population of	1,013,261	may appoint	11	representatives.
Ratnagiri	"	"	1,105,926	"	12
Kanara	"	"	446,351	"	5

In the case of D (i), the Sardars of the Deccan as described in Rule 1 may recommend any person elected by a majority of their votes ;

In the case of D (ii), the group of landholders in Sind may recommend a person elected by a majority of their votes ;

In the case of E (i) and E (ii), the Bombay Chamber of Commerce and the Karáchi Chamber of Commerce may severally recommend a person elected by a majority of votes recorded in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the Association ;

In the case of F, the Senate of the University may recommend any person elected by a majority of the votes of the Senate obtained, under such regulations not being inconsistent with the aforesaid Regulations made by the Governor-General in Council, as the Senate may pass for this purpose.

It was the avowed object of Government in framing this supplementary Notification, in pursuance of the Regulations made by the Government of India under the Indian Councils Act of 1892, to place as few restrictions as possible on the manner in which elections were to be conducted by the Bodies and Associations specified. In the case of the Corporation of Bombay, the Chambers of Commerce of Bombay and Karáchi, and the Senate of the University, no difficulty was thought likely to arise. But in the case of the remaining electoral Bodies, and more especially of the groups of Municipalities and District Local Boards specified under the letters B and C, it seemed possible that the want of a common organization might lead to confusion or delay in ascertaining the sense of the Bodies concerned, and to avoid this, His Excellency the Governor in Council considered it advisable to offer the following provisional suggestions for their guidance and that of the officers through whom their recommendations were to be made.

"The first thing to be done, when a vacancy to be filled on the recommendation of a group of Municipalities or District Local Boards occurs, will be to arrange for the appointment of the prescribed number of representatives, and for the preparation of a list of the candidates for the Council from among whom the representatives when appointed are to make their choice.

- (i) The Commissioner of the Division concerned should accordingly, on receiving His Excellency the Governor's request for a recommendation, as provided in Rule 2 of the supplementary Notification referred to in para. 1, lose no time in communicating it to the President of each Municipality or District Local Board included in the group, with a request that a Special General Meeting may be called at the earliest possible date for the appointment of the prescribed number of representatives, and such number should be specified in the letters to the Presidents. He should at the same time fix a date—say one month from receipt of the Governor's request—up to which he will receive the names of any candidates for the Council who may offer themselves for recommendation, and by which date he must be informed by the President of each of the Bodies included in the group of the names and addresses of the representatives appointed by that Body.
- (ii) His Excellency the Governor in Council is of opinion that all candidates for the Council on the recommendation of a group should be proposed and seconded by two members of one of the Municipalities or District Local Boards, as the case may be, included in the group by which the recommendation is to be made; and that their names, addresses, and qualifications, with those of their proposers and seconders, should be reported to the Commissioner by the President of the Body to which the proposer and seconder in each case belong, so as to reach him by the date fixed by him as above provided. It will be the business of each President to see that this is done, and that the names of the representatives appointed are also reported so as to reach the Commissioner by the same date.
- (iii) The Commissioner should enter the names of candidates for the Council who have been duly proposed and seconded, with those of their proposers and seconders, and the other particulars above noted as they reach him, in a list to be kept for the purpose. On the date fixed he should close the list and send it for publication in the next issue of the *Bombay Government Gazette*, and should furnish a printed copy of it with the least possible delay to each representative appointed by each of the Bodies included in the group.

“The next point for consideration is how the representatives should proceed to make their selection from among the candidates for the Council included in the list, that is, whether they should assemble for the purpose, or should proceed by means of voting papers to be issued by and returned to the Commissioner

"His Excellency the Governor in Council is of opinion that in the case of the Municipalities of the Northern Division, which are all within comparatively easy reach of the railway, the former plan will be found the most satisfactory.

- (i) He proposes accordingly that the Commissioner, N. D., in communicating the Governor's request to the Presidents of the Municipalities, should name provisionally a place and date for the assembly of representatives, which might be at Ahmedabad or Surat, about a fortnight later than the date fixed for closing the list of candidates. The President of each Municipality, in reporting to the Commissioner the names of candidates for the Council and of the representatives of his Municipality would have an opportunity of stating whether the representatives would be able to attend the assembly, and of making any representations that might be necessary as to the suitability of the place and date proposed. The Commissioner would then be in a position to judge whether it would be desirable to hold an assembly, and if so to confirm or alter the provisional date and place according to the general sense of the representations received. He could then notify the place and date of assembly, as finally settled, in the *Bombay Government Gazette*, together with the list of candidates, and should send a copy of the Notification to each representative with the least possible delay.
- (ii) If an assembly is held, it will be convenient that the Commissioner should conduct the proceedings, unless the representatives assembled prefer to elect a Chairman from among their own number, and that it should be left to him, or to the Chairman if one be elected by the assembly, to adopt any method of recording the votes which may approve itself to the general sense of the meeting. The opinion of the representatives assembled might be taken as to whether in future cases absentees should be allowed to vote by proxy; but on the present occasion His Excellency in Council recommends that the representatives should be expected to attend the meeting, if the Commissioner decides to hold one. On the termination of the proceedings the Commissioner should lose no time in communicating to the Secretary to Government, Legislative Department, the name of the candidate for the Council elected by the majority of votes.

"In the case of the group formed of the District Local Boards in the Southern Division there would be no objection to the adoption of the same procedure if, in the opinion of the Commissioner, it is likely to be found practicable and the Bodies concerned would prefer it. But the means of communication in that Division are so imperfect, and the distances are so great, that it is

desirable to be prepared for the alternative that the selection of the candidate to be recommended for the Council should be conducted by means of voting papers. The suggestions which follow will apply also in the case of the Municipalities of the Northern Division, if it should be found for any reason impracticable to convene an assembly.

- (i) When the procedure is to be by voting papers, the Commissioner should incorporate the list of candidates for the Council to be forwarded to each representative, as above provided, in a voting paper, which should be printed, and should contain clear directions for filling it in and a notice of the date by which it must be returned to the Commissioner.
- (ii) This date also might be fixed about a fortnight later than that fixed for closing the list of candidates for the Council, so as to give time for a reference, in case of any doubt or mistake connected with the voting papers, before the expiry of the two months within which the recommendation must be made. It should be published in the *Bombay Government Gazette* at the same time with the list of candidates for the Council, as in the case of the date fixed for the assembly when the procedure referred to in paragraph 4 is adopted.
- (iii) The voting papers should be legibly filled in and signed in his own handwriting by the representative to whom they are issued, enclosed in a sealed envelope, and endorsed outside with the signature of the representative, and delivered or posted in a registered cover, addressed to the President of the Body by whom the representative was appointed, for transmission to the Commissioner, so as to reach him not later than the date fixed. The Presidents should see that no delay is allowed to occur in the transmission of the voting papers.
- (iv) The Commissioner should open the envelopes and tabulate the votes recorded as they are received, and as soon as all the representatives have voted, should report the result to the Secretary to Government in the Legislative Department. If all the votes have not been received within two months from the date on which the request for a recommendation reached the Commissioner, the date of the poll on the date on which that period may expire should still be reported.
- (v) The appended form of voting paper is recommended for adoption. It is framed on the assumption that each representative will have one vote only. His Excellency the Governor in Council,

having had under consideration the question whether any form of cumulative voting is desirable, is of opinion that the system of voting had better be as simple as possible to begin with, and that it should be left to experience to determine whether any more complex methods are needed.

"All communications forwarded through the post, to or from the Commissioner, the Presidents and the representatives, in pursuance of the procedure above indicated, should be registered.

"In the case of the Sardárs of the Deccan, His Excellency the Governor in Council believes that the Agent will have no difficulty in arranging for the assembling in Darbár of the Sardárs entitled to vote. The names of candidates for the Council, duly proposed and seconded by Sardárs entitled to vote, should be communicated to the Agent on or before a date fixed by him, and a selection can then be made by the Sardárs assembled in Darbár.

"In the case of the Zamindárs and Jágirdárs in Sind, it will be best to leave it to the Commissioner in Sind to make such arrangements as he may find to be most practicable and convenient."

REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, FOR MADRAS.

1. Of the persons, other than the Advocate-General or officer acting in that capacity, to be nominated additional Members of Council by the Governor of Madras for his assistance in making Laws and Regulations, not more than nine shall be officials.

2. The nominations to seven seats shall be made by the Governor on the recommendation of the following bodies and Associations respectively, namely,—

A—The Corporation of Madras ;

B—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Madras as the Governor in Council may from time to time prescribe by notification in the *Fort St. George Gazette* ;

C—Such District Boards, or group or groups of District Boards, as the Governor in Council may from time to time prescribe as aforesaid ;

D—Such Association or Associations of merchants, manufacturers, or tradesmen as the Governor in Council may from time to time prescribe as aforesaid ;

E—The Senate of the University of Madras :

Provided that the bodies described above under A, B, C, D, and E, respectively, shall each (except as hereinafter provided in Rule 7) have at least one person nominated upon its recommendation, and A, D, and E not more than one each.

3. The Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a

fair representation of the different classes of the community ; provided that one seat shall ordinarily be held by a zemindar paying not less than Rs. 20,000 as *peshkash* annually to Government.

4. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Governor shall cause the proper body or group of bodies or Association or Associations to be requested to recommend a person for nomination by the Governor.

5. The recommendation shall be made—

(a) in the case of a Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively ;

(b) in the case of Associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the Association ;

(c) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representatives to be appointed, according to such scale as the Governor in Council may from time to time prescribe, by the Corporations, Boards, or Associations.

6. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards

7. If within two months after receiving the request of the Governor as provided by Rule 4 the body or Association or group of bodies or Associations fails to make a recommendation, the Governor may nominate at his discretion a person belonging to the class which the body or Association or group is deemed to represent.

8. If the Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh request shall be issued as provided in Rule 4 and the procedure laid down in Rules 5 and 7 shall apply.

9. (a) As soon as conveniently may be after these Regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under Rule 2.

(b) If there shall not be the full number of seven vacancies available at once for this purpose, the Governor shall determine at his discretion, subject always to the proviso in Rule 2, which of the bodies or groups mentioned in that rule shall be requested to recommend the persons to fill up such vacancies as may then be available; and so whenever and as often as any further vacancies among non-official members become available, until the full number of seven has been completed.

¹ Before the Council was increased there were (including the Advocate-General) eight additional Members of Council. The additional Members (including the Advocate-General) will in future number twenty-one, and of these at least one-half—that is, eleven—will be non-officials. The Council, before it was increased, contained four official additional Members (including the Advocate-General) and four non-official. When it was decided to bring the Council up to its full legal strength there were six official and seven non-official

² See Order dated 12th April 1893, No. 32, Legislative.

vacancies to be filled up. His Excellency the Governor decided, with reference to Rule 2, to fill the non-official seats in the following manner:—

1	upon the recommendation of A (the Madras Municipal Commission).
2	" " " B (the District Municipalities).
2	" " " C (the District Boards).
1	" " " D (the Chamber of Commerce, Madras).
1	" " " E (the Senate of the Madras University).

The President of the Madras Municipal Commission, the Chairman of the Chamber of Commerce, and the Registrar of the University were accordingly requested to communicate to the Chief Secretary to Government, within two months of the date of receipt by them of notice, the name of the candidate recommended by the Commission, the Chamber, and the Senate respectively.

With a view to rendering the system of representation introduced into the Councils as complete as possible, the Government resolved to allow each District Municipality and each District Board to propose a candidate. As there were two seats available for the Municipalities and Boards alike, His Excellency in Council considered it advisable to divide both Municipalities and Boards into two groups—a Northern and a Southern. The Northern group to consist of the districts of Ganjam, Vizagapatam, Godáviri, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, Chingleput and North Arcot and the Municipalities contained therein. The Southern group to consist of the remaining districts (except Madras) and of the Municipalities contained therein. To the Northern group of Municipalities were allotted one seat and to the Southern group also one seat; similarly, the Northern and Southern groups of District Boards each had one seat.

As a first step, each Municipality and each District Board were directed to submit, so as to reach the Chief Secretary by the 20th May 1893, a statement containing two names, of which one was to be that of the person whom the Municipality or District Board proposes as a candidate for ultimate recommendation to His Excellency the Governor for nomination to the Legislative Council, while the other was to be that of the person whom the Municipality or Board intended to appoint as its voting delegate; the voting delegate always to be a member of the Municipality or District Board concerned. A Municipality or Board in the Northern group might propose as a candidate any person resident within the Northern group of districts, and, similarly, a Municipality or Board in the Southern group might propose any person resident in the Southern group of districts. Any person desirous of being nominated to the Legislative Council might submit his name to one of the Municipalities or District Boards in the group wherein he resides.

Upon receipt of the said statements, the Chief Secretary compiled therefrom a list containing the names of all the candidates proposed and of all the

voting delegates and circulated it as soon as possible to all the Municipalities and District Boards in the group.

At noon on the 17th July 1893, the voting delegates of the Northern group of Municipalities assembled at Bezváda and proceeded to elect from among the candidates proposed by the Northern group of Municipalities one person for final recommendation to His Excellency the Governor. The election was by ballot and the person elected had to obtain a clear majority of the votes of the delegates present and voting. If at the first ballot an absolute majority of the votes of such delegates was not obtained, the ballot was to be repeated until such majority was obtained. The election had to be completed by noon of the 18th July at latest, and the result was to be immediately reported to the Chief Secretary to Government by the Collector of Kistna to whom the general superintendence and arrangement of the election was entrusted. On the same day at noon the voting delegates for the Southern group of Municipalities were directed to meet at Trichinopoly and in every way to conform to the above rules; in the case of this group the Collector of Trichinopoly was made responsible for the proper conduct of the election.

Exactly similar rules guided the election of representatives by the Northern and Southern groups of District Boards, except that in their case the delegates were directed to meet at noon on the 18th July and to complete the election by noon of the 19th idem at latest. It was thought advisable to make this distinction in the dates in order to avoid the chance of the Municipalities and Boards of a group electing the same representative.

The following Notification was published in the *Fort St. George Gazette* :—

NOTIFICATION.

The Governor in Council is pleased, with reference to Rule 2 of the Rules made under section 1 (4) of the Indian Councils Act, 1892, to declare that, for the present, one seat in the Legislative Council will be filled upon the recommendation of each of the following groups of Municipalities and District Boards and of the following Association of Merchants :—

- (i) The Municipal Councils situated in the districts of Ganjam, Vizagapatam, Godávári, Kistna, Nellore, Kurnool, Bellary, Anantapur, Cuddapah, North Arcot, and Chingleput.
- (ii) The Municipal Councils situated in the districts of South Arcot, Salem, Coimbatore, Trichinopoly, Tan-

jore, Madura, Tinnevelly, Nilgiris, Malabar, and South Canara.

- (iii) The District Boards of Ganjam, Vizagapatam, God-
ávári, Kistna, Nellore, Kurnool, Bellary, Anantapur,
Cuddapah, North Arcot, and Chingleput.
 - (iv) The District Boards of South Arcot, Salem, Coim-
batore, Trichinopoly, Tanjore, Madura, Tinnevelly,
Nilgiris, Malabar, and South Canara.
 - (v) The Chamber of Commerce, Madras.
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REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, FOR BENGAL.

PROCLAMATION.

PUBLIC

Calcutta, the 16th March 1893.

No. 354.—Whereas, by proclamation issued on the 17th January 1862 under the provisions of the Act 24 and 25 Vict., Cap. 67 (the Indian Councils Act, 1861), the Governor-General of India in Council extended the provisions of the said Act to the Bengal Division of the Presidency of Fort William in Bengal, and further directed, in conformity with the provisions of the said Act, that the number of Councillors whom the Lieutenant-Governor of the said Division of the Presidency of Fort William might nominate for his assistance in making Laws and Regulations should be twelve ;

And whereas, by section 1, sub-section (2), of the Act 55 and 56 Vict., Cap. 14 (the Indian Councils Act, 1892) it was provided that it should be lawful for the Governor-General in Council by proclamation from time to time to increase the number of Councillors whom the said Lieutenant-Governor may nominate for his assistance in making Laws and Regulations, provided that not more than twenty should be so nominated ;

It is hereby declared by the said Governor-General in Council that from and after the date of this proclamation the number of Councillors whom the said Lieutenant-Governor may nominate for the said purpose shall be twenty.

NOTIFICATION.

PUBLIC.

The 17th March 1893.

No. 359.—The following Regulations, which have been made by the Governor-General in Council under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892,

as to the conditions under which nominations of Councillors shall be made by the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William for his assistance in making Laws and Regulations, have received the approval of the Secretary of State for India in Council and are now published for general information :—

*Regulations under section 1 (4) of the Indian
Councils Act, 1892, for Bengal.*

1. The Lieutenant-Governor of Bengal has been authorized by the proclamation of the Governor-General in Council in the Home Department, No. 354, dated 16th March 1893, to nominate twenty Councillors, for his assistance in making Laws and Regulations. Of these twenty Councillors, not more than ten shall be officials.

2. The nominations to seven seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies and Associations respectively, namely,—

A—The Corporation of Calcutta ;

B—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Calcutta as the Lieutenant-Governor may from time to time prescribe by Notification in the *Calcutta Gazette* ;

C—Such District Boards, or group or groups of District Boards as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

D—Such Association or Associations of merchants, manufacturers or tradesmen as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

E—The Senate of the University of Calcutta :

Provided that the bodies described above under A, B, C, D, and E, respectively, shall each (except as hereinafter pro-

vided in Rule 7) have at least one Councillor nominated upon its recommendation, and A, D, and E, not more than one each.

3. The Lieutenant-Governor may, at his discretion, nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community; provided that one seat shall ordinarily be held by a representative of the great landholders of the Province.

4. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Lieutenant-Governor shall cause the proper body or group of bodies or Association or Associations to be requested to recommend a person for nomination by the Lieutenant-Governor.

5. The recommendation shall be made—

(a) in the case of a Municipal Corporation or of a District Board, or of the Senate of the University, by a majority of votes of the Corporation, Board, or Senate respectively ;

(b) in the case of Associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the Association :

(c) in the case of a group of Municipal Corporations, District Boards, or Associations, by the majority of votes of representatives to be appointed, according to such scale as the Lieutenant-Governor may from time to time prescribe, by the Corporations, Boards, or Associations.

6. It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar

condition shall also apply to persons to be recommended by District Boards.

7. If within two months after receiving the request of the Lieutenant-Governor as provided by Rule 4 the body or Association or group of bodies or Associations fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person belonging to the class which the body or Association or group is deemed to represent.

8. If the Lieutenant-Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh request shall be issued as provided in Rule 4, and the procedure laid down in Rules 5 and 7 shall apply.

9. (a) As soon as conveniently may be after these Regulations come into force, seven of the seats held by non-official persons shall be filled up by recommendation under Rule 2.

(b) If there shall not be the full number of seven vacancies available at once for this purpose, the Lieutenant-Governor shall determine at his discretion, subject always to the proviso in Rule 2, which of the bodies or groups mentioned in that Rule shall be requested to recommend the persons to fill up such vacancies as may then be available ; and so whenever and as often as any further vacancies among non-official Councillors become available, until the full number of seven has been completed.

NOMINATION OF REPRESENTATIVES TO SEATS IN THE COUNCIL OF THE LIEUTENANT-GOVERNOR FOR MAKING LAWS AND REGULATIONS ON THE RECOMMENDATION OF PUBLIC BODIES AND ASSOCIATIONS.

RESOLUTION.

JUDICIAL.

Dated Calcutta, the 25th March 1893.

UNDER Rule 2 of the Regulations which have been framed by the Governor-General in Council with the sanction of the Secretary of State under section 1 (4) of the Indian Councils Act, 1892, for Bengal, it has been laid down that the nomination to seven seats in the Council of the Lieutenant-Governor for making Laws and Regulations shall be made by the Lieutenant-Governor on the recommendation of the following bodies and Associations respectively, *viz.*,—

A—The Corporation of Calcutta ;

B—Such Municipal Corporations or group or groups of Municipal Corporations other than the Corporation of Calcutta as the Lieutenant-Governor may from time to time prescribe by Notification in the *Calcutta Gazette* ;

C—Such District Boards, or group or groups of District Boards, as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

D—Such Association or Associations of merchants, manufacturers, or tradesmen as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

E—The Senate of the University of Calcutta :

Provided that the bodies described above under A, B, C, D, and E, respectively, shall each (except as hereinafter provided in Rule 7) have at least one Councillor nominated upon its recommendation, and A, D, and E not more than one each.

With reference to the above proviso, it has been decided that District Municipalities and District Boards shall each be ordinarily represented by two members.

2. Under Rule 5 (c) of the same Regulations, it has been laid down that the recommendation of a person for nomination by the Lieutenant-Governor shall be made "in the case of a group of Municipal Corporations, District Boards, or Associations by the majority of votes of representatives to be appointed according to such scale as the Lieutenant-Governor may from time to time prescribe by the Corporations, Boards, or Associations."

3. The Corporation of Calcutta and the Senate of the University of Calcutta will now be asked by a separate communication to recommend a person for nomination by the Lieutenant-Governor. The votes of the Commissioners of the Corporation of Calcutta will be given at a meeting of the Commissioners. Those of the Fellows of the Senate will be given by voting papers to be delivered personally to the Registrar, or forwarded by post under certain conditions. The Bengal Chamber of Commerce are already represented on the Council by the Vice-President of their body, the Hon'ble Mr. Playfair, and no steps can be taken under clause D of the Rule 2 above quoted until he resigns his appointment or the term of his office expires.

4. The following observations exclusively refer to the arrangements which will now be made regarding the nomination to the four seats which will be made by the Lieutenant-Governor on the recommendation of District Boards and of Mufassal Municipalities.

5. The Lieutenant-Governor has decided that both District Boards and Municipalities shall be grouped together separately division by division, and that the District Boards and Municipalities within each divisional area shall take it in turns to

exercise the privilege which is now bestowed on them of recommending a person for nomination to the Council. It is proposed that this privilege should be exercised by the groups of Municipalities and District Boards in each Division according to rotation. The following is a sketch of the form which the rotation may probably assume ; but the Lieutenant-Governor cannot bind himself or his successor as to the exact order in which the privilege will in future be exercised :—

Date of election.	Municipalities.	District Boards.
1893	... Presidency Division	... Patna Division.
	Rajshahi Division	... Chittagong Division.
1895	.. Burdwan Division	... Dacca Division.
	Orissa Division	} ... Bhagalpur Division.
	Chota Nagpur Division	
1897	... Patna Division	... Presidency Division.
	Chittagong Division	... Rajshahi Division.
1899	... Dacca Division	... Burdwan Division.
	Bhagalpur Division	... Orissa Division.
1901	... Presidency Division	... Patna Division.
	Rajshahi Division	... Chittagong Division.
	and so on.	

The necessary Notification will now be published in the *Calcutta Gazette* specifying the groups of District Boards and Municipalities in the Divisions from which a recommendation will be made to the Lieutenant-Governor for the nomination to four seats in Council in 1893.

6. The Lieutenant-Governor is pleased to prescribe the following procedure under which each District Board and Municipality concerned shall, for the purpose of making its recommendation, proceed to elect from amongst its own members an electoral representative, who shall be entrusted with full powers to vote for a member to represent the group in Council.

7. In respect of Municipal Corporations, it has been determined that only those Municipalities which enjoy a clear income from Municipal resources proper of Rs. 5,000 and over shall exercise the right of electing an electoral representative. The voting power of each of these representatives will be calculated by the income of the Municipalities concerned according to the following scale :—

	Votes.
Municipalities with an income of Rs. 5,000 and less than Rs. 10,000 will be entitled to	1
Municipalities with an income of Rs. 10,000 and less than Rs. 20,000 to	2
Municipalities with an income of Rs. 20,000 and less than Rs. 50,000 to	3
Municipalities with an income of Rs. 50,000 and less than Rs. 1,00,000 to	4
Municipalities with an income of Rs. 1,00,000 and less than Rs. 1,50,000 to	5
Municipalities with an income of Rs. 1,50,000 and less than Rs. 2,00,000 to	6
Municipalities with an income of Rs. 2,00,000 and less than Rs. 2,50,000 to	7
Municipalities with an income of Rs. 2,50,000 and over to	8

Each Municipality will elect one electoral representative only, and this representative shall be entitled to exercise all the votes of the Municipality which he represents.

8. All districts are considered by the Government to be of approximately equal importance, and each District Board will appoint one representative having one vote.

9. According to the scales above laid down, the following Municipal Corporations and District Boards will now proceed to elect their electoral representatives as follows :—

Municipalities in the Presidency Division.

District.	Name of Municipality.	Ordinary Municipal Income.* Rs.	Number of votes to be exercised by each repre- sentative.
24-Parganas	Cossipore-Chitpur	1,16,260	5
	Maniktola	41,753	3
	Baranagar	39,040	3
	South Suburbs	47,650	3
	Rajpur	6,908	1
	Joynagar	5,033	1
	South Dum-Dum	7,728	1
	South Barrackpore	11,809	2
	North Barrackpore	11,260	2
	Barasat	8,065	1
	Naihati	15,664	2
	Basirhat	6,285	1
Nadia	Krishnagar	24,690	3
	Santipur	25,594	3
	Ranaghat	5,583	1
	Kushia	6,341	1
Jessore	Jessore	14,405	2
Khulna	Khulna	10,976	2
Murshidabad	Berhampore	36,338	3
	Lalbagh	24,320	3
	Jangipur	7,355	1
	Kandi	5,777	1
22			45

Municipalities in the Rajshahi Division.

District.	Name of Municipality.	Ordinary Municipal Income.* Rs.	Number of votes to be exercised by each repre- sentative.
Darjeeling	Darjeeling	94,949	4
	Kurseong	8,105	1
Rajshahi	Rampur Boalia	19,014	2
	Nator	10,909	2
Dinajpur	Dinajpur	22,434	3
Pabna	Pabna	15,252	2
	Sirajganj	15,627	2
Bogra	Bogra	13,026	2
Rangpur	Rangpur	22,770	3
Jalpaiguri	Jalpaiguri	12,318	2
10			23

* The Ordinary Municipal Income is found from Statement II, attached to the Resolution on the working of Municipalities in 1891-92, by deducting from head column 11 the figures shown in head columns 8, 9, and 10, i. e., the Special

District Boards in the Patna
Division.

Patna.
Gaya.
Shahabad.
Darbhanga.
Champaran.
Muzaffarpur.
Saran.

District Boards in the Chittagong
Division.

Tippera.
Noakhali.
Chittagong.

10. Under Rule 4 of the Regulations quoted, the Lieutenant-Governor now desires that intimation may be at once communicated by the Commissioners of the Divisions concerned to the Chairmen of all the Municipalities and District Boards enumerated in the above lists, requesting them to arrange without delay for the convention of a special meeting of each District Board and Municipality concerned at which one of their members may be elected to represent them for the purpose of recommending the nomination of a member in the Lieutenant-Governor's Council. The name of the electoral representative elected in each must be reported at once by the Chairman of the local body concerned for the information of the Commissioner of the Division.

11. The period of two months which is contemplated under Rule 7 of the Regulations as the period within which a recommendation shall be made to the Lieutenant-Governor is hereby declared to run from the date on which the Commissioner of the Division issues his invitation to the Chairman of any Municipality or District Board within the group concerned to elect one of their members to represent them for the purpose of recommending the nomination of a member in the Lieutenant-Governor's Council.

12. As soon as the electoral representatives are elected by the local bodies concerned, they will be called upon by the Commissioner of the Division to meet together on an early and convenient date with special reference to the limit of time impos-

ed under Rule 7 of the Regulations, and at such convenient place as he may specify, for the purpose of electing by a majority of votes a person whom they will recommend to the Lieutenant-Governor to be nominated as a member of the Council. The names of all candidates put forward at such meeting shall be duly proposed by one of the electoral representatives present. The election shall be by ballot, and the person elected must obtain a majority of the votes of the representatives present. If on occasion of the first ballot an absolute majority is not obtained, the candidate who obtains the least number of votes shall be withdrawn from the election, and another ballot shall then be held for the remaining candidates, and so on until an absolute majority is obtained.

The electoral representatives present at this meeting shall elect among themselves a Chairman, who shall preside and be responsible for the fair and proper exercise of the ballot vote.

As soon as the election is made, the Chairman of the meeting shall without delay report to the Commissioner of the Division the name of the person so elected with the number of votes obtained and any other information which it may appear desirable to communicate, and on behalf of the meeting shall recommend to the Lieutenant-Governor to nominate for Council the person so elected. The Commissioner shall submit the report from the Chairman of the meeting, with any observations he may wish to add, to the Chief Secretary to Government, by whom the recommendations will be submitted to the Lieutenant-Governor.

13. Attention is drawn to the following Rule 6 of the Regulations which have been framed by the Governor-General in Council and Secretary of State :—

6.—It shall be a condition in the case of any person to be recommended by a Municipal Corporation or group of Municipal Corporations that he shall be a person ordinarily resident within the Muni-

cipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

Under this rule it is not necessary that persons recommended shall be members of any Municipality or District Board concerned, but they must be ordinarily resident within the division from which the recommendation is made. Subject to this condition, the rules declare no limit of qualification, and it is left to the electoral representatives to recommend a person under Rule 5 (c) according to the majority of their votes.

14. The Lieutenant-Governor is anxious to ensure the success of the operation of the new rules, and with this object has been careful to provide that all the subsidiary arrangements now sanctioned shall, as far as possible, be given effect to by the local bodies concerned with the minimum of official interference. He is confident, however, that District Magistrates will afford any assistance that may be required and do their utmost to facilitate the smooth working of the elections. The experiment now being tried is one of considerable importance, and the arrangements made are necessarily of an experimental character, and will be reconsidered if experience shows that they require modification.

REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, FOR THE NORTH-WESTERN PROVINCES.

PROCLAMATION.

PUBLIC.

Calcutta, the 16th March 1893.

No. 355.—Whereas, by proclamation issued on the 26th November 1886, under the provisions of the Act 24 and 25 Vict., Cap. 67 (the Indian Councils Act, 1861), the territories for the time being under the administration of the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh were constituted, for the purposes of the said Act, a Province to which the provisions of that Act touching the making of Laws and Regulations should be applicable, and the said Lieutenant-Governor and Chief Commissioner was appointed to be the Lieutenant-Governor of the Province so constituted ;

And whereas, by the same proclamation, the Governor-General in Council directed in conformity with the provisions of the said Act that the number of Councillors whom the said Lieutenant-Governor might nominate for his assistance in making Laws and Regulations should be nine ;

And whereas, by section 1, sub-section (2) of the Act 55 and 56 Vict., Cap. 14 (the Indian Councils Act, 1892), it was provided that it should be lawful for the Governor-General in Council by proclamation from time to time to increase the number of Councillors whom the said Lieutenant-Governor may nominate for his assistance in making Laws and Regulations, provided that not more than fifteen should be so nominated ;

It is hereby declared by the said Governor-General in Council that from and after the date of this proclamation the number of Councillors whom the said Lieutenant-Governor may nominate for the said purpose shall be fifteen.

NOTIFICATION.

PUBLIC.

The 17th March 1893.

No. 359.—The following Regulations which have been made by the Governor-General in Council under the provisions of section 1, sub-section (4), of the Indian Councils Act, 1892, as to the conditions under which nominations of Additional Members of Council shall be made by the Governors of Madras and Bombay and nominations of Councillors by the Lieutenant-Governors of the Bengal Division of the Presidency of Fort William and of the North-Western Provinces and Oudh, respectively, for their assistance in making Laws and Regulations, have received the approval of the Secretary of State for India in Council and are now published for general information :—

* * * * * *

Regulations under section 1 (4) of the Indian Councils Act, 1892, for the North-Western Provinces and Oudh.

1. The Lieutenant-Governor of the North-Western Provinces and Oudh has been authorized by the Proclamation of the Governor-General in Council in the Home Department, No. 355, dated 16th March 1893, to nominate fifteen Councillors for his assistance in making Laws and Regulations. Of these fifteen Councillors not more than seven shall be officials.

2. The nominations to six seats shall be made by the Lieutenant-Governor on the recommendation of the following bodies and Associations respectively, namely,—

A.—Such Municipal Boards or Committees or group or groups of Municipal Boards or Committees as the Lieutenant-Governor may from time to time prescribe by Notification in the Government Gazette for the North-Western Provinces and Oudh

B—Such District Boards, or group or groups of District Boards, or Association or Associations of landholders (whether landlords or tenants) as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

C—Such Association or Associations of merchants, manufacturers, or tradesmen as the Lieutenant-Governor may from time to time prescribe as aforesaid ;

D—The Senate of the University of Allahabad :

Provided that the bodies described above under A, B, C, and D, respectively, shall each (except as hereinafter provided in Rule 7) have at least one Councillor nominated upon its recommendation, and C and D not more than one each.

3. The Lieutenant-Governor may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall in his opinion secure a fair representation of the different classes of the community.

4. When a vacancy occurs and is to be filled under Rule 2 of these Regulations, the Lieutenant-Governor shall cause the proper body or group of bodies or Association or Associations to be requested to recommend a person for nomination by the Lieutenant-Governor.

5. The recommendation shall be made—

(a) in the case of a Municipal Board or Committee or of a District Board, or of the Senate of the University, by a majority of votes of the Board, Committee, or Senate respectively ;

(b) in the case of Associations not established by law, in the manner laid down in their rules or articles of association for carrying resolutions or recording decisions upon questions of business brought before the Association ;

- (c) in the case of a group of Municipal Boards or Committees, District Boards, or Associations, by the majority of votes of representatives to be appointed, according to such scale as the Lieutenant-Governor may from time to time prescribe, by the Boards, Committees, or Associations.

6. It shall be a condition in the case of any person to be recommended by a Municipal Board or Committee or group of Municipal Boards or Committees that he shall be a person ordinarily resident within the Municipality or the district in which it is situated, or in some one of the Municipalities constituting the group or of the districts in which they are situated. A similar condition shall also apply to persons to be recommended by District Boards.

7. If within two months after receiving the request of the Lieutenant-Governor as provided by Rule 4 the body or Association or group of bodies or Associations fails to make a recommendation, the Lieutenant-Governor may nominate at his discretion a person belonging to the class which the body or Association or group is deemed to represent.

8. If the Lieutenant-Governor shall decline to nominate any person who has been, under these Regulations, recommended for nomination, a fresh request shall be issued as provided in Rule 4 and the procedure laid down in Rules 5 and 7 shall apply.

9. (a) As soon as conveniently may be after these Regulations come into force, six of the seats held by non-official persons shall be filled up by recommendation under Rule 2.

(b) If there shall not be the full number of six vacancies available at once for this purpose, the Lieutenant-Governor shall determine at his discretion, subject always to the proviso in Rule 2, which of the bodies or groups mentioned in that

Rule shall be requested to recommend the persons to fill up such vacancies as may then be available ; and so whenever and as often as any further vacancies among non-official Councillors become available, until the full number of six has been completed.

NOTIFICATION.

GENERAL DEPARTMENT.

Dated the 30th March 1893.

MISCELLANEOUS.

UNDER Regulation 2 A of the Regulations under section 1 (4) of the Indian Councils Act, 1892, for the North-Western Provinces and Oudh, the Lieutenant-Governor is pleased to prescribe the following groups of Municipal Boards for the purpose of recommending to him two persons for nomination as Councillors for his assistance in making Laws and Regulations at the present time :—

First group.

Lucknow.

Agra.

Bareilly.

Meerut.

Fyzabad.

Second group.

Benares.

Allahabad.

Cawnpore.

Gorakhpur.

Muttra.

2. Under Regulation 5 (c) of the above Regulations, the Lieutenant-Governor is pleased to prescribe that each of the aforesaid Municipal Boards shall upon receiving a request under Regulation 4 appoint a representative. The representatives of the first group shall meet at Lucknow, and those of the second group at Allahabad, and shall, on behalf of their respective groups, recommend one person to the Lieutenant-Governor by a majority of their votes. Such person in accordance with Regulation 6 shall be ordinarily resident in some one of the Municipalities constituting the group.

By order, &c ,

J. J. D LATOUCHE,

Chief Secy to Govt, N.-W. P. and Oudh

NOTIFICATION.

GENERAL DEPARTMENT.

Dated the 30th March 1893.

MISCELLANEOUS.

UNDER Regulation 2 B of the Regulations under section 1 (4) of the Indian Councils Act, 1892, for the North-Western Provinces and Oudh, the Lieutenant-Governor is pleased to constitute the undermentioned District Boards as two groups for the purpose of recommending to him two persons for nomination as Councillors for his assistance in making Laws and Regulations at the present time :—

<i>First group.</i>	<i>Second group.</i>
Dehra.	Cawnpore.
Saháranpur.	Fatehpur.
Muzaffarnagar.	Bánda.
Meerut.	Hamírpur.
Bulandshahr.	Allahabad.
Aligarh.	Jhánsi.
Muttra.	Jalaun.
Agra.	Benares.
Farukhabad.	Mirzapur.
Mainpuri.	Jaunpur.
Etáwáh.	Gházipur.
Etah.	Ballia.
Bareilly.	Gorakhpur.
Bijnor.	Basti.
Budaun.	Azamgarh.
Moradabad.	Fyzabad.
Sháhjahánpur.	Gonda.
Pilibhít.	Bahraich.
Lucknow.	Sultánpur.
Unao.	Partábgarh.
Rae Bareli.	Bara Banki.
Sitapur.	
Hardoi.	
Kheri.	

2. Under Regulation 5 (c) of the above Regulations, the Lieutenant-Governor is pleased to prescribe that each of the aforesaid District Boards shall upon receiving a request under Regulation 4 appoint one representative. The representatives of the District Boards in the first group shall meet at Lucknow: those of the District Boards in the second group shall meet at Allahabad. The representatives shall on behalf of their respective groups recommend a person to the Lieutenant-Governor by a majority of their votes. Such person in accordance with Regulation 6 shall be ordinarily resident in some one of the districts constituting the group.

By order, &c.,

J. J. D. LATOUCHE,

Chief Secy. to Govt., N.-W. P. and Oudh.

PART III.

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS,
FOR THE DISCUSSION OF THE FINANCIAL STATEMENT,
AND THE ASKING OF QUESTIONS IN THE SUPREME AND
LOCAL LEGISLATIVE COUNCILS.

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE GOVERNOR-GENERAL.

[As amended on 11th February 1873 and 16th February 1883.]

IN exercise of the power conferred by the Indian Councils Act, 1861, section eighteen, the following amended Rules have been made by the Council of the Governor-General assembled for the purpose of making Laws and Regulations at the meetings held on the eleventh day of February 1873 and sixteenth day of February 1883, and have received the assent of the Governor-General.

I.—Preliminary.

1. These Rules supersede the Rules for the Conduct of Business at the meetings of the Council as amended on the 17th day of December 1862, and the 28th day of February 1868.

2. In these Rules—

“Council” means the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations :

“President” means the Governor-General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor-General in Council, under the Indian Councils Act, 1861, section six ; or, in the absence of both the Governor-General and the President so nominated, the senior Ordinary Member of Council present and presiding :

“Member” means a Member of the Council, whether ordinary, extraordinary, or additional :

“Secretary” means the Secretary to the Government of India in the Legislative Department, and includes every person for the time being exercising the functions of his office : and

“Local Government” includes a Chief Commissioner.

II.—Meetings of the Council.

3. The Council shall ordinarily meet at 11 A.M., and shall not prolong its sitting after 4 P.M., unless the President otherwise directs.

4. The quorum shall be seven, including the President.

5. The Commander-in-Chief shall sit on the right of the President: the Governor or Lieutenant-Governor shall sit opposite the President: the Law Member shall sit wherever it may be convenient; and, subject to these provisions, the Members shall sit according to seniority, the junior Member being on the left of the President.

6. The President may adjourn, without any discussion or vote, any Meeting or business, whether there be a quorum present or not, to any future day or to any part of the same day.

7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

8. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.

9. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member consecutively, beginning with the Member on the left of the President, may make such observations as he thinks proper.

After all the Members in turn have had an opportunity of speaking, the Mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation:

Provided that, if the matter be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the Mover of the amendment.

10. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

11. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.

12. On every motion before the Council, the question shall be put by the President, and shall be decided by a majority of votes.

In case of a division, the votes shall be taken by the Secretary in consecutive order, beginning with the Member on the left of the President.

After the question is put no further discussion upon it shall be allowed.

13. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time, or at the Meeting of the Council next following, whether the papers or returns asked for can be given.

14. Communications on matters connected with any Bill before the Council may be addressed, either in the form of a petition to the Governor-General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered.

Except in the case of the High Court at Fort William, such communications from Courts, officials, or public bodies shall ordinarily be sent through the Local Government.

15. The Secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

III.—Introduction and Publication of Bills.

16. Any Member desiring to move for leave to introduce a Bill in accordance with the provisions of section 19 of the Indian Councils Act shall give the Secretary at least three days' previous notice of the title and object of the Bill.

If such motion be carried, the Bill with a full Statement of Objects and Reasons shall, if not already prepared, be prepared by the Member or (if he so desire) by the Secretary in consultation with the Member.

17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.

If any of the Members are unacquainted with English, he shall also cause the Bill and the Statement of Objects and Reasons to be translated into Hindústání for their use.

17A. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.

18. When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions.—

- (a) that it be referred to a Select Committee, or
- (b) that it be taken into consideration by the Council, either at once, or at some future day to be then mentioned, or
- (c) that it be circulated for the purpose of eliciting opinion thereon.

19. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously; and such objections shall prevail unless the President, in exercise of his power to suspend any of these Rules, allows the motion to be made.

20. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

21. When any motion mentioned in Rule 18 is carried, the Bill shall, together with a Statement of its Objects and Reasons, be published in English in the Gazette of India.

The Bill and Statement shall also be published in such official Gazettes and in such Vernacular languages (if any) as the Council in each case decides to be necessary for the purpose of giving notice to the communities affected by the Bill.

For this purpose the Council shall make an order at the Meeting at which such motion is carried, and may, from time to time, on the motion of any Member, vary or cancel such order.

22. The Governor-General, if he see fit, may order the publication of a Bill, together with the Statement of Objects and Reasons which accompanies it, in such Gazettes and languages as he thinks necessary, although no motion has been made for leave to introduce the Bill.

In that case it shall not be necessary to move for leave to introduce the Bill; and, if the Bill be afterwards introduced, it shall not be necessary to publish it again.

IV.—Select Committees.

23. The Law Member shall be a Member of every Select Committee.

The other Members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent Meeting.

The Law Member, and in his absence the Member in charge of the Bill, shall be chairman of the Committee, and, in the case of an equality of votes, the chairman shall have a second or casting vote.

24. After publication of a Bill in the Gazette of India the Select Committee to which the Bill may have been referred shall make a report thereon.

Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

Reports may be either preliminary or final.

The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication whether the publication ordered by these Rules or by the Council has taken place and the date on which the publication has taken place, or, where publication in more than one Gazette or in more than one language is ordered, the date on which the publication in each such Gazette and each such language has taken place.

If, in the judgment of the Committee, the Bill has been so altered as to require re-publication, the Secretary shall send a copy of the altered Bill to the Secretary of the Department to which it pertains.

When the Committee recommend the re-publication of a Bill which was originally ordered by these Rules or by the Council to be published in more than one Gazette or in more than one language, they shall, in the absence of anything to the contrary in their report, be taken to recommend that the Bill be re-published in every such Gazette and every such language.

If the Committee are of opinion that it is unnecessary to re-publish the Bill in any such Gazette or in any such language, they shall, in their report, state the grounds of their opinion.

25. The Secretary shall cause every report of a Select Committee to be printed, and shall send a copy of such report to each Member, and, if the Committee or the President so direct, the Secretary shall cause the report, with the amended Bill, to be published in the Gazette of India.

If any of the Members present are unacquainted with English, he shall also cause the report to be translated into Hindústání for their use.

26. The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill, and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the report to be taken into consideration.

V.—Consideration and Amendments of Bills.

27. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

28. If notice of such amendment has not been sent to the Secretary at least three days before the Meeting of the Council at which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the amendment to be moved.

The Secretary shall cause every such notice to be printed, and shall send a copy for the information of each Member.

If any of the Members present are unacquainted with English, he shall also cause every such notice to be translated into Hindústání for their use.

29. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

29A. Notwithstanding anything in the foregoing Rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council section

by section. When this procedure is adopted, the President shall call each section separately, and, when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

30. Any Member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed, and, if the Council so decide, the President may order the Bill to be re-published or re-committed, as the case may be.

31. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future Meeting, and may then be passed with or without further amendment.

VI.—Passing of Bills and Publication of Acts.

32. When a Bill is passed by the Council, a copy thereof shall be signed by the President, and, when the Governor-General has declared his assent thereto, such copy shall be signed by the Governor-General and the Bill shall be published as soon as possible in the official Gazettes, under the signature of the Secretary, as an Act of the Governor-General in Council.

Such publication shall be made in the Gazette of India in English and in the official Gazettes of the Local Governments in English and in the principal Vernacular languages spoken in the territories subject to such Governments respectively:

Provided that, when the Act does not apply to the whole of British India, it shall be published only in the Gazette of India and in the Gazettes of the Local Governments to whose territories it applies.

VII.—Duties of Secretary.

33. At least two days before each Meeting of the Council the Secretary shall send to each Member a list of the business to be brought forward at such Meeting.

34. The Secretary shall keep a journal, in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each Meeting to the President for his confirmation and signature, and, when so signed, shall be the record of the proceedings of the Council.

35. The Secretary shall also prepare a report of the proceedings of the Council at each of its Meetings, including an abstract of the observations of the Members, and publish it in the Gazette of India as soon as possible after the Meeting. He shall send a copy of such report to each Member and also to the Permanent Under Secretary of State for India.

36. In addition to the other duties specially required by these Rules, it shall be the duty of the Secretary—

1st, to draft all Bills originated by the Government of India, the Statements of their Objects and Reasons, and the Reports of the Select Committee to which such Bills are referred ;

2nd, to take charge of the copies of the Bills signed by the Governor-General and of all the other records of the Council ;

3rd, to keep the books of the Council ;

4th, to keep a list of the business for the time being before the Council ;

5th, to superintend the printing of all papers printed in pursuance of these Rules ;

6th, to assist the Council and all Committees in such manner as they may direct ;

7th, to send to the Secretary of the Department to which the Bill pertains any Bill which an Additional Member has obtained leave to introduce under Rule 16 ;

8th, to examine all Bills deposited by Additional Members, and report to the President on those which contain clauses trenching on subjects coming within section 19 or section 22 of the Indian Councils Act, 1861 ;

9th, to write all letters which the Council, or the President, or any Select Committee, or the Law Member, directs to be written.

37. It shall be the special duty of the Assistant Secretary in the Legislative Department to translate into Hindústání Bills, Statements of Objects and Reasons, Reports of Select Committees and Amendments of Bills, to explain papers to the Members unacquainted with English, and otherwise to assist them in such manner as they may require.

VIII.—Miscellaneous.

38. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

Application for orders of admission is to be made to the Secretary.

39. The President on the motion of any Member, may direct, at any time during a sitting of the Council, that strangers withdraw.

40. Any paper relating to any measure before the Council may be published by order of the President.

Copies of papers so published shall be sold at such rates as may be fixed by the Secretary.

41. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the list of business.

42. The President, for sufficient reason, may suspend any of the foregoing Rules.

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE GOVERNOR OF BOMBAY.

[As amended^{*} at a Meeting of the Council on the 1st February 1865.]

1. The word " Council," as used in these rules, shall mean the Council of the Governor of Bombay assembled for the purpose of making laws and regulations.

The word " President," as used in these rules, shall mean the Governor, or, in his absence, the senior ordinary Member of Council present and presiding.

The word " Secretary," as used in these rules, shall mean the Secretary to the Government of Bombay in the Judicial Department. All acts, however, which the Secretary is required by these rules to do, may be done by an Under-Secretary, Assistant Secretary, or Deputy-Secretary to the Government of Bombay.

Meetings.

2. The Council will meet on such days and at such hours as the President shall direct.

3. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day or to any part of the same day.

4. Any Member of the Council may propose the adjournment of any particular subject, or that, in accordance with the rules hereinafter in that behalf contained, the subject be referred to a Select Committee of the Council for inquiry or

^{*} These rules were assented to by His Excellency the Governor on the 6th February 1865.

report ; but the President alone shall propose the adjournment of the meeting.

5. Any business of the day not disposed of at the time of any adjournment of the Council shall stand for disposal on the next day on which the Council shall meet, and unless otherwise specially ordered, shall take priority of all other business on that day.

6. If at any time appointed for the holding of any meeting of the Council, or if at any time after the commencement of business, the quorum required by Section 34 of "*The Indian Councils Act, 1861*" (that is to say, the Governor or some ordinary Member of Council and four Members) be not present, the President shall adjourn the Council. But in the absence of such President the Secretary shall make an entry in the journal of the Council of the names of the Members present, and the meeting shall be thereby adjourned.

Discussions.

7. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

8. Any Member may notice a violation of order by drawing the attention of the President to it. When a Member is thus addressing the President, any other Member who may be then speaking shall cease until the point of order is settled.

9. A Member desiring to make any observations on any subject before the Council shall address the President.

10. Any Member may speak at the request and on behalf of another Member who is unable to express himself in the English language.

11. On all matters brought before the Council, after the Member who makes a motion has spoken, each Member may make such observations as he thinks proper. After all the Members have had an opportunity of speaking, any Member

may, with the permission of the President, speak once by way of explanation or reply.

12. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member shall have occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

Bills.

13. Any Member may move at a meeting of the Council for leave to bring in a Bill, in accordance with the provisions of Section 38 of "The *Indian Councils Act, 1861*," provided that three days' previous notice of the title and subject of the Bill has been given to the Secretary. On making such motion the Member moving shall be at liberty to state, as concisely as may be, the scope of the Bill, and the reasons in support of it; but he may defer this till the first reading, unless the introduction of the Bill be opposed. If the motion be carried in the affirmative, the Member shall send the Bill to the Secretary, with a full statement in writing of its objects and of the reasons for it, and any other papers which he may consider necessary.

14. The Secretary shall forthwith cause the Bill, together with the Statement of Objects and Reasons, to be printed, and, if ordered by the Council, to be translated into such native language or languages as shall be deemed requisite by the Council, and shall send a copy thereof to each Member of the Council, and shall cause the same to be published in the *Bombay Government Gazette*; and copies of the Bill and Statement of Objects and Reasons shall be distributed to the Press and to the public in such manner as the Governor, from time to time, may see fit to direct, a reasonable interval of time being allowed, with due regard to the public business and convenience, for the formation and communication of opinion and useful criticism respecting the legislation pro-

posed in the Bill, between such publication and distribution and the first reading of the Bill.

15. The Governor, if he see fit, may order the publication, in the manner hereinbefore described in the rule last preceding, of a Bill, together with the Statement of Objects and Reasons which accompanies it, although no motion may have been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill; and if the Bill be afterwards introduced, it shall not be necessary to publish it again; and in any case the publication of a Bill, in pursuance of an order by the Governor, or of leave given by the Council, shall be deemed to be the introduction of the Bill.

(The above Rules 14 & 15 are printed as amended at a Meeting of the Legislative Council held on the 31st January 1883, and assented to by His Excellency the Governor on the 8th February 1883.)

16. No motion that a Bill be read the first time shall be made until seven days after a copy of the Bill and of the Statement of Objects and Reasons has been furnished to each Member.

17. Every Bill shall be read three times before it can be passed, and if the motion for the third reading be carried, the Bill, on being so read, shall be considered as passed.

18. On the reading of a Bill the Secretary shall only read the title of it, unless the Council requires that the Bill shall be more fully read.

19. If the motion for any reading of a Bill be negatived, such Bill shall be considered as rejected, and shall not be again introduced at any period before the expiration of six months from the date of such rejection.

20. If the motion for the first reading of a Bill be carried in the affirmative, such Bill may be referred to a Select Com-

mitted for report, which, when ordered, shall be presented before the Bill is read a second time. On the second reading being carried, the principle of the Bill will be considered as affirmed, and the Council will proceed to consider the Bill in detail. The Council having so examined such Bill, the Bill may then, or on some subsequent day, be read a third time.

21. If the motion for the third reading be carried, and the Bill be passed, the President shall sign a certificate at the foot of the Bill in the following form :—

"This Law was made at a Meeting of the Council of the Governor of Bombay, held for the purpose of making laws and regulations, on the ——— day of ———

President."

The Bill shall then be laid before the Governor for the purpose required in Sections 39 and 40 of "The *Indian Councils Act, 1851*," and, after it has been assented to by the Governor-General, it shall be published in the *Bombay Government Gazette* under the signature of the Secretary.

Select Committees and Amendments.

22. Select Committees may be appointed by the Council for any purpose connected with its business. The Council shall name a period within which a Select Committee shall make its report on any Bill, or other matter connected with the business of the Council which may be referred to such Committee, and in fixing such time shall have regard to the nature and importance of the Bill or other matter so referred.

23. When a Bill is referred to a Select Committee for report, it shall form part of the question whether the Report shall be translated into any native language or languages before the same shall be brought up.

24. The Council may, if necessary, extend the time for receiving the Report of any Select Committee.

25. The Report of the Select Committee, when completed, shall be given to the Secretary, who shall forthwith cause the same to be printed, and, if so ordered, to be translated, and shall send a printed copy thereof to each Member of the Council; and in case the Report is not ordered to be translated, any Member of the Council, not acquainted with the English language, who may require any explanation thereof, may refer to the Oriental Translator to Government, who shall, under the orders of the Governor in Council, be bound to furnish the same.

The Secretary shall, at the same time, cause the Report and the Bill, as approved by the Select Committee, to be published in English in the *Bombay Government Gazette*.

When the publication of a Bill shall, under Rules 14 or 15, have been ordered by the Council to be made in any native language or languages, the Select Committee shall, in their Report, specify the date on which the Bill has been so published; and the Bill, as approved by the Select Committee, shall likewise be published in such language or languages in the *Bombay Government Gazette*, unless the Special Committee shall, for reasons to be recorded in their Report, consider that such republication of the Bill is unnecessary.

The Report of the Select Committee shall also, if ordered to be translated into any native language or languages, be published in the same manner.

Printed copies of all Bills and Reports, published in accordance with this rule, shall be distributed to the Press and to the public in the same manner, for the same purposes, and with a like interval of time allowed, as hereinbefore prescribed for the distribution of copies of original Bills in Rules 14 or 15.

(The above Rule 25 is printed as amended at a Meeting of the Council held on the 31st January 1883, and assented to by His Excellency the Governor on the 8th February 1883.)

26. The Report of a Select Committee on a Bill or other matter shall be taken into consideration as soon as may be practicable, but not until seven days after the Report has been sent to the Members.

27. Any Member, wishing to propose an amendment affecting the principle of a Bill shall send the amendment to the Secretary at least two days before the meeting of the Council at which the Bill is to be considered. The Secretary shall cause every such amendment to be printed, and shall send printed copies of such amendment to all the Members of the Council. When the amendment is moved in Council, it shall be determined whether the same shall be translated or not.

28. If, however, any amendment not affecting the principle of a Bill, as settled by a Select Committee, be proposed without notice while the Council is sitting, the President shall decide whether such amendment shall be considered by the Council at the meeting at which it is proposed, or be deferred to the next or any other subsequent meeting.

29. Amendments shall be considered in the order of the Sections to which they relate, except when an amendment in a Section renders an alteration in an earlier Section necessary.

30. If any amendment, not merely clerical, be made while the Bill, as presented by the Select Committee, is under the consideration of the Council in detail, the motion for the third reading of the Bill shall not be made at the same meeting, but the Bill shall be brought forward again at a future meeting, and may then be read a third time and passed with or without further amendment.

Order of Business.

31. Before each meeting of the Council, the Secretary shall furnish each Member with a list of the business to be brought forward at such meeting.

32. Any Member may make a motion having reference to the business of the Council. On every motion, whether it be for leave to bring in a Bill, or that a Bill be read a first, second, or third time, or for any other purpose, the question, after being put, shall be decided by a majority of votes. In case of a division, the votes shall be taken by the Secretary in consecutive order, from right to left, beginning with the Member who makes the motion.

33. Any Member may ask for any papers, or returns connected with the business before the Council. The President shall determine, either at the time or at the meeting of the Council next following, whether the papers or returns asked for shall be given.

34. Business shall be transacted in the following order after the President has taken the chair :—

- (1)* New Members shall be sworn in, or take the necessary affirmations.
- (2) The Secretary shall present any Petitions, Bills, and any other communications which may have been received.
- (3) The Council will then proceed to consider the Bills and Orders of the day in the order in which they stand on the list of business for the meeting of that day.
- (4) Afterwards any Member may make any motion which it may be competent for him to make consistently with "The *Indian Councils Act*, 1861," and these Rules.

When the whole of the business for the day is disposed of, or when there is more business before the Council than it can

* The Indian Oaths Act of 1873 has rendered the taking of oaths by Members of the Bombay Council unnecessary. (The Hon'ble the Advocate-General's Opinion, No. 40, dated 3rd August 1876)

dispose of on that day, the President shall declare the meeting adjourned to some future day.

35. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President. Application for orders of admission is to be made to the Secretary.

36. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

Books and Records.

37. Journals shall be kept in which all the proceedings of the Council and of Select Committees shall be entered. The Journal of the Council shall be submitted after each meeting to the President for his confirmation and signature, and when signed shall be the record of the proceedings of the Council. The proceedings of each meeting of the Council shall be published in the *Government Gazette* as soon after the meeting as can be conveniently arranged.

38. All documents ordered to be printed or recorded shall be referred to in the Journal, and after being identified by the signature of the Secretary on the original document, shall be kept with the Records.

Duties of the Secretary.

39. The Secretary shall attend at every meeting of the Council and of a Select Committee, and, in addition to the other duties especially required by these Rules, it shall be his duty:—

- (1) To take charge of the Records of the Council.
- (2) To keep the Journals of the Council and of the Select Committees.
- (3) To keep a Minute Book, in which he shall enter all the proceedings of the Council, and of the Select Committees, in the order in which they occur, and the names of the Members present.

- (4) To superintend the printing of all Acts and papers ordered to be printed.
- (5) To assist, at all times, the Council and all Committees, not only in framing Bills, but in all other work connected with their duty.
- (6) To write all letters ordered by the Council or by any Committee.

40. After the passing of a Bill, the Secretary shall revise and complete the marginal notes thereof.

Petitions.

41. Petitions preferred by private persons must be addressed to the Governor in Council, and, if in the Vernacular, they must be accompanied by translations. Ordinarily, no reply will be sent to a petition, and no petitions will be considered unless they relate to some Bill before the Council ; but the Secretary may be ordered, for special reasons, to make such communication to the petitioner as the Council may direct.

42. The President may, for sufficient reasons, suspend any of the foregoing rules.

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE GOVERNOR OF MADRAS.

Meetings.

1. The word Council as used in these rules shall mean the Council of the Governor of Fort St. George assembled for the purpose of making laws and regulations.

The word President as used in these rules shall mean the Governor, or, in his absence, the senior civil ordinary Member of Council present and presiding.

2. The Governor shall appoint the times and places of meeting of the Council.

3. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day or to any part of the same day.

4. Notice of all meetings and adjournments shall be given to each Member of the Council by the Assistant Secretary.

5. Any business not disposed of at the time of any adjournment shall on the next meeting of the Council take priority of all other business whatever at such next meeting unless otherwise specially ordered by the Governor.

6 If at the time appointed for the holding of any meeting or adjourned meeting, as aforesaid, or if at any time after the commencement of business at such meeting, there be not present the quorum required by Section 34 of the Indian Councils Act (that is to say, the Governor or some ordinary Member of

Quorum.
Section 34 of the Act.

Council and four or more Members of Council), then the Members present shall, without proceeding to business of any kind, adjourn until again summoned by the Governor. In such case an entry shall be made in the journal of the Council by the Assistant Secretary of the hour at which the adjournment may have taken place and of the names of the Members present.

Discussions.

7. The President shall regulate the course of business at each meeting of the Council, shall preserve order and regularity in the proceedings of the Council, and shall decide all disputed points of order without debate.

8. Any Member may notice a violation of order by drawing the attention of the President to it. When a Member is thus addressing the President, any other Member who may be then speaking shall cease until the point of order is settled.

9. The decision of the President on a point of order shall be heard in silence and shall be final.

10. If two or more Members speak at the same time, the President shall decide which Member is entitled to pre-audience, and such decision shall not be open to question.

11. No Member shall be allowed to speak except upon a question before the Council.

Petitions.

12. Petitions to the Council must relate to some Bill actually under the consideration of the said Council. Every such petition shall be superscribed "To the Governor in Council," and shall be dated and signed by the petitioner or petitioners. It shall be in respectful and temperate language, and shall conclude with a distinct prayer.

13. All petitions as aforesaid shall be transmitted to the Assistant Secretary to Government in the Legislative Department.

14. The Assistant Secretary shall make an abstract of every petition so received.

15. If, in the judgment of the Assistant Secretary, the petition be framed in conformity with Rule No. 12 he shall bring the petition under the consideration of the Council by reading the abstract thereof, and the prayer or the substance of the prayer of the petition; whereupon such petition shall be dealt with in such manner as the Council may deem proper.

16. If, in the judgment of the Assistant Secretary, the petition be not framed in conformity with Rule No. 12, or if he have reason to doubt the authenticity of any signature thereto, he shall certify the same on the back of the petition, and shall report the fact to the Council; in which case the petition shall be rejected by the Council, and the reason of such rejection shall be communicated to, and the petition returned to, the petitioner or petitioners.

17. Any Member may make a motion upon any petition brought under the consideration of the Council by the Assistant Secretary, and not rejected as aforesaid. If no motion be made upon such a petition, a note of the fact shall be made by the Assistant Secretary on the petition, and it shall be deposited amongst the records of the Council.

18. If a Bill be pending peculiarly affecting private interests, and any person whose interests are so affected apply by petition to be heard by himself or his counsel upon the subject of the Bill, an order may be made, upon the motion of a Member, allowing the petitioner to be so heard at a stated time, provided the petition be received by the Assistant Secretary before the matter to which the petition relates has been finally disposed of by the Council.

19. In no other case or manner shall any stranger be heard by himself or his counsel. If the petitioner or his counsel do not appear at such stated time, such leave shall lapse.

20. Any Member may move that the hearing of any petitioner or of his counsel shall cease if such petitioner or his counsel be unduly prolix or irrelevant.

Bills.

21. Any Member may move at a meeting of the Council for leave to bring in a Bill in accordance with the provisions of section 38 of the Act, provided that three days' previous notice of the title and subject of the Bill have been given to the Assistant Secretary. If the motion be carried in the affirmative, the Member shall send the Bill to the Assistant Secretary with a full statement of objects and reasons and any other papers which he may consider necessary.

22. The Assistant Secretary will forthwith cause the Bill, together with the statement of objects and reasons, to be printed, and will send a copy for the use of each Member.

23. On the day fixed for the introduction of a Bill, or on any subsequent day, the principle of the Bill and its general provisions may be discussed. If the question be resolved in the affirmative, the Bill may be referred to a Select Committee for report, and, together with the statement of objects and reasons, shall be published in the Official Gazette.

24. The publication of a Bill may be suspended until it has been considered by the Select Committee and reported to the Council, if the Council at the time of referring it to the Select Committee shall so order.

25. A Bill may be sent to the Assistant Secretary when the Council is adjourned, and the Governor may order its publication together with the statement of objects and reasons

which accompanies it. In that case it shall not be necessary to move for leave to bring in the Bill, and if the Bill be afterwards introduced it shall not be necessary to publish it again.

26. When such period has elapsed from the publication of a Bill as the Council may have ordered, the Select Committee shall make a report thereon.

27. Select Committees may be appointed by the Council for any purpose connected with the business of the Council, and may sit and may report on Bills referred for their consideration although the Council is adjourned.

28. The Assistant Secretary shall cause all reports of Select Committees to be printed, and shall send copies of such for the use of each Member. The report and the Bill, or any sections thereof, if altered, shall at the same time be published in the Official Gazette.

29. The report of the Select Committee on a Bill shall be taken into consideration by the Council as soon as conveniently may be ; but not until a week after the report has been furnished to the Members.

30. Any Member wishing to propose an amendment affecting the principle or substance of a Bill as settled by the Select Committee, shall send the amendment to the Assistant Secretary at least three days before the meeting of the Council at which the Bill is to be considered. The Assistant Secretary shall cause every such amendment to be printed, and shall send a copy for the information of each Member.

31. If any amendment be proposed, of which notice has not been given, the President shall decide whether such amendment shall be considered by the Council at the meeting at which it is proposed, or be deferred to the next following meeting.

32. Amendments shall be considered in the order of the sections to which they relate.

33. If no amendment be made by the Council in a Bill as settled by the Select Committee, the Bill may at once be passed, and sent to the Governor for his assent. If any amendment be made, the Bill shall not be passed at the same meeting, but shall be brought forward again to a future meeting, and may then be passed with or without further amendment.

34. When it may not be deemed necessary to refer a Bill to a Select Committee under Rule 23 a day shall be fixed for its consideration by the full Council, provided that such period shall always intervene between the introduction of a Bill and its consideration by the whole Council as will admit of its being published for a reasonable length of time.

35. After the passing of a Bill, the Assistant Secretary shall revise and complete the marginal notes thereof.

36. Each Bill as finally settled by the Council shall be signed by the President and forwarded immediately to the Governor for his declaration that he assents to or withholds his assent from the same.

37. The Governor shall communicate his assent or dissent to the Council, by certificate in writing, on the face of the Bill, and the Bill with such certificate shall be lodged in the records of the Council.

38. The Governor shall transmit forthwith an authentic copy of every law or regulation to which he shall have declared his assent to the Governor-General; and no such law or regulation shall have validity until the Governor-General shall have assented thereto, and such assent shall have been signified by him to, and published by, the Governor in the Official Gazette.

39. The fact of the assent or dissent of the Governor-General shall be communicated to the Council by the Gover-

nor personally or by letter, and shall be recorded in the journal of the Council.

40. The disallowance of any law or regulation by Her Majesty shall in like manner be communicated to, and recorded by, the Council.

41. It shall not be competent to any Member of the Council to make any motion upon, or otherwise bring under the consideration of the Council, the exercise by Her Majesty, the Governor, or the Governor-General, of their prerogative of disallowing a Bill by withholding their assent from it.

Order of Business.

42. After the President shall have taken the chair, petitions and other communications received by the Assistant Secretary shall be reported, and notices of Bills given by Members intending to introduce them. The Council shall then proceed to the disposal of the business left unfinished at the last meeting, unless otherwise specially determined by the President.

43. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President. Application for orders of admission is to be made to the Assistant Secretary.

44. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

Assistant Secretary to Government in the Legislative Department.

45. The duties of the Assistant Secretary to Government in the Legislative Department shall be—

1. To take charge of all the records of the Council.
2. To keep the books of the Council.

3. To keep a minute book, in which he shall enter at the time all the proceedings of the Council in the order in which they occur, and the names of the Members present thereat.
 4. To superintend the printing of all the papers ordered to be printed.
 5. To assist the Council in such manner as they may order, and to assist any Member in framing a Bill which he proposes to introduce.
 6. To write all letters ordered by the Council to be written.
46. It shall be the duty of the Assistant Secretary, after the passing of a Bill, to revise and complete the marginal notes thereof.

Books and Records.

47. A journal shall be kept, in which all the proceedings of the Council shall be fairly entered.
Journal of Council. The journal shall be submitted after each meeting to the President thereof, for his confirmation and signature, and when so signed, shall be the record of the proceedings of the Council. The proceedings of each meeting of Council shall be published in the next official Gazette, after such meeting, or as soon afterwards as can conveniently be arranged.
48. All documents ordered to be printed or recorded shall be referred to in the journal, and, after being identified by the signature of the Assistant Secretary on the original documents, shall be kept with the records.
Documents how recorded.
49. A register shall be kept of all petitions received by the Council, in which shall be entered the date of receipt by the Assistant
Register of petitions.

Secretary, a general designation of the petitioners, the object of the petition, the manner in which it has been disposed of, and the date of disposal.

50. A register and index of all letters received and
Register of letters. despatched shall be kept.

51. The President for sufficient reasons may suspend any of the foregoing rules.

51A. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the list of business. (*Passed 23rd November 1882.*)

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF BENGAL.

[As amended on the 18th January 1890]

IN exercise of the power conferred by the Indian Councils Act, 1861, section forty-eight, the following amended Rules have been made by the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations, at the meeting held on the 18th day of January 1890, and have been sanctioned by the Governor-General.

I.—Preliminary.

1. These Rules supersede the Rules for the Conduct of Business at the meetings of the Council as amended on the 14th February 1863.

2. In these Rules—

“Council” means the Council of the Lieutenant-Governor of Bengal assembled for the purpose of making Laws and Regulations :

“President” means the Lieutenant-Governor of Bengal or, in his absence, the Member highest in official rank among those who may hold office under the Crown, present and presiding :

“Assistant Secretary” means the Assistant Secretary to the Government of Bengal in the Legislative Department :

“Bill” means a proposed Act before it has received the assent of the Lieutenant-Governor.

II.—Summoning the Council.

3. When it may appear to the Lieutenant-Governor advisable that the Council shall sit, the Lieutenant-Governor shall summon the Members by a notification in the *Calcutta Gazette*.

III.—Meetings of the Council.

4. The Council shall ordinarily meet on Saturday, at 11 A.M., and shall also meet on any other day to which it may be, from time to time, adjourned.*

5. An extraordinary meeting of the Council may be called by the Lieutenant-Governor at any time; a special notice of such extraordinary meeting being sent to every Member resident in Calcutta.

6. The President, when the business of a meeting is concluded, shall adjourn the meeting. He may adjourn at any time, without debate or vote, any meeting or any business to any future day, or to any part of the same day.

7. The President will regulate the order of business at meetings of the Council, and may at any time refer any particular matter, coming properly under the consideration of the Council, for the consideration of a meeting.

8. The President shall preserve order, and all points of order shall be decided by him; no discussion on any point of order shall be allowed unless the President shall think fit to take the opinion of the Council thereon.

Any Member may, at any time, submit a point of order to the decision of the President.

9. In discussing questions coming before the Council for consideration, a Member shall speak from his place, shall rise when he speaks, and shall address the President.

At any time, if the President rises, any Member speaking shall immediately resume his seat.

10. A Member shall not be allowed to read his speech, but he may refresh his memory by referring to notes, and he may read, as part of his speech, passages from books or papers cited in support of his argument.

* Under the Indian Councils Act, 1861, the President and not less than one-half of the Members summoned shall form a quorum

11. No Member shall be heard except upon business then regularly before the Council, or, by permission of the President specially obtained, in explanation of what he had said in a previous debate.

12. Except in discussing verbal amendments, when the Council is settling the several clauses of a Bill, no Member other than the mover shall speak more than once upon a question ; but the mover shall, if he has spoken to the question when making his motion, be allowed a reply :

Provided that, if the matter before the Council be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the mover of the amendment.

13. A Member who has spoken upon a motion may speak again upon any amendment thereof afterwards moved. And a Member may explain what he has before spoken, if it has been misunderstood.

14. The President may, in all cases, address the Council after the reply of the mover, and before putting the question.

15. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member relating to the business of the Council, he shall ask the question through the President.

16. Every matter to be determined by the Council shall be decided after motion made and question put by the President, and shall be resolved in the affirmative or in the negative, according to the majority of votes.

Votes shall be taken by voices or by division, and shall always be taken by division, if any Member desires them so to be taken. The President shall direct the method of taking votes by division.*

*Under the Indian Councils Act, 1861, whenever there is any equality of voices, the President shall have two votes or the casting vote.

17. Any Member may ask for any papers or returns connected with the business before the Council. The President shall determine, either at the time, or at the meeting of the Council next following, whether the papers or returns asked for can be given, if such papers or returns are in the office of any Secretary to the Government of Bengal, or can be asked for if they are not.

18. Communications on matters connected with any business before the Council, and proposals for the enactment of any law, must be addressed, either in the form of a petition to the Lieutenant-Governor in Council, or of a letter to the Assistant Secretary, and must in either case be sent to the Assistant Secretary. Ordinarily, such communications will not be answered.

19. The Assistant Secretary will either cause such communications to be printed, sending a copy for the use of each Member resident in Calcutta, or will circulate them for the perusal of each such Member, and will refer them to the Select Committee sitting on any Bill to which they relate.

20. No business not entered in the list prepared by the Assistant Secretary under Rule 48 shall be transacted at any meeting without the permission of the President previously obtained and announced by him.

IV.—Motions.

21. Members who wish to make any original motion at any meeting, must give notice of their intention at the next previous meeting, or they must send such notice to the Assistant Secretary three days before the day of the meeting at which they intend to make the motion.

22. Members who wish to move anything by way of amendment relating to business about to come before the Council may adopt either of the two courses prescribed in the last preceding rule. If they do not adopt either of these courses,

and desire to move anything by way of amendment without notice, in that case the President may, in the exercise of his discretion, either permit the amendment to be put, or withhold such permission, or postpone the consideration thereof until the next meeting.

Amendments having merely the effect of a negative vote shall not be moved.

23. Subject to the provisions of the Statute 24th and 25th Vict., Cap. 67, and of these rules, any Member may, by motion, propose for the determination of the Council any original question or any amendment of such question relating to Laws and Regulations proposed for enactment or relating to the rules for the conduct of business at meetings of the Council.

Every motion, whether original or an amendment, shall be put into writing and delivered to the President, who, if he considers it to be in order, shall put the proposed question to the Council, after which it may be debated.

24. A Member who has moved an original question or an amendment, may withdraw the same, unless some Member desires that it be put to the vote. If debated and not withdrawn, the President shall again read the question when taking the sense of the Council upon it.

25. When an amendment upon any motion is moved, or when two or more such amendments are moved, the President, when taking the sense of the Council thereon, shall read the terms of the original motion and of the amendment or amendments proposed.

It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

26. If any motion, as made, involves many points, the President at his discretion may divide it, so that each point may be determined separately.

27. At any time during the progress of a Bill it may be moved by the Member who for the time being is in charge of the Bill that it be withdrawn. If such motion be carried, the Bill shall be withdrawn accordingly.

V.—Introduction and Publication of Bills.

28. No Bill can be brought into the Council without the leave of the Council formally asked on motion and obtained.

When leave to bring in a Bill has been so obtained, the Member who wishes to bring in the Bill may then deliver it to the Assistant Secretary, or may send it to him afterwards.

The Bill must be accompanied with a full Statement of Objects and Reasons, to which any papers that may be considered necessary may be appended.

29. The Assistant Secretary will cause the whole to be printed, and will send a copy to every Member resident in Calcutta. Such papers, by special order of the President, may be prepared and printed in anticipation.

30. At any subsequent meeting, not being less than three days after the printed copies have been in the hands of Members, a motion may be made that the Bill be read in Council.

If the question that the Bill be read in Council is affirmed, the Assistant Secretary shall read the title of the Bill.

31. When a Bill is introduced, it shall, together with a Statement of its Objects and Reasons, be published in the English and Vernacular languages in the official Gazettes of such parts of Bengal as are affected by the Bill. And on some subsequent occasion the Member in charge of it shall make one or more of the following motions :—

(a) that it be referred to a Select Committee, or

(b) that it be taken into consideration by the Council at some future day, or

(c) that it be circulated for the purpose of eliciting opinion thereon.

32. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously ; and such objection shall prevail unless the President, in exercise of his discretion, allows the motion to be made.

33. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

34. The Lieutenant-Governor may order the publication of a Bill, together with the Statement of Objects and Reasons which accompanies it, although no motion has been made for leave to introduce the Bill. In that case, if the Bill, with leave of the Council previously obtained as above prescribed, be afterwards introduced and read in Council, without material alteration, it shall not be necessary to publish it again when read in Council.

VI.—Select Committees.

35. Select Committees may be appointed by the Council for any purpose connected with the business of the Council.

36. When one month has elapsed from the publication of a Bill, or in any shorter or longer period that the Council may order, the Select Committee shall prepare a report thereon.

It shall be the duty of the Committee to revise the Bill, clause by clause, and to recommend any amendments therein that may to them seem advisable.

37. The report of the Select Committee, or of a majority thereof, shall be sent to the Assistant Secretary and printed, and a copy shall be sent by him to each Member resident in Calcutta

It shall be confined to a statement of such amendments as the Committee or a majority of them may think fit to make, and of their reasons for such amendments, or of their opinion that the Bill ought not to be proceeded with at all.

The report, by order of the President, may be published.

38. Whilst the Select Committee is sitting, all communications relating to the Bill, received by the Lieutenant-Governor, shall be referred to it.

39. The report shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail unless the President, in exercise of his discretion, allows the report to be taken into consideration.

40. When the report is taken into consideration, it may be moved that the clauses of the Bill be considered for settlement in the form recommended by the Select Committee, and if the motion is affirmed, the clauses shall be so considered. If no such motion is made and affirmed, the clauses shall be so considered for settlement as they stood when the Bill was read in Council.

VII.—Consideration and Amendments of Bills.

41. When a Bill is taken into consideration by the Council, any Member, subject to the provisions of Rules 22, 25, and 26, may propose an amendment of such Bill.

42. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

43. Notwithstanding anything in the preceding Rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council, section

by section. When this procedure is adopted, the President shall call each section separately, and when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

44. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the President, in exercise of his discretion, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

VIII.—Passing of Bills and Publication of Acts.

45. After the passing of a Bill, the Assistant Secretary shall revise and complete the marginal notes thereof, and shall submit it to the Lieutenant-Governor for his assent.

46. If the Lieutenant-Governor assents to a Bill, it will be by him submitted for the assent of the Governor-General.

47. If the Governor-General assents to the Act, it will be published in the Calcutta Gazette as an Act of the Lieutenant-Governor of Bengal in Council assented to by the Governor-General, and having the force of law.

IX.—Duties of Assistant Secretary.

48. Ordinarily there shall be prepared by the Assistant Secretary a list of the matters to be taken into consideration at each meeting, whereof a copy shall be sent by him to each Member resident in Calcutta two days before the day of meeting.

49. A journal shall be kept in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each meeting to the President for his confirmation and signature, and when so signed, shall be the record of the proceedings of the Council.

50. In addition to the other duties specially required by these Rules, it shall be the duty of the Assistant Secretary—

- (1) to take charge of all records of the Council ;
- (2) to keep the books of the Council ;
- (3) to keep a Minute-book, in which he shall enter at the time all the proceedings of the Council in the order in which they occur, and the names of the Members present ;
- (4) to superintend the printing of all papers ordered to be printed ;
- (5) to make out from time to time a list of all Select Committees' sittings ;
- (6) to assist the Council and all Committees in such manner as they may order ;
- (7) to write all letters ordered by the Council to be written, or by any Committee thereof.

51. All acts which the Assistant Secretary is required to do may be done by any Secretary or Under-Secretary of the Government of Bengal.

X.—Miscellaneous.

52. Strangers will be admitted into the Council Chamber during the sittings of the Council on the production of orders of admission.

Application for orders of admission is to be made to the Assistant Secretary.

53. The President, whether on the application of any Member or otherwise, may direct, at any time during a sitting of the Council, that strangers withdraw.

54. Copies of all papers printed for the use of the Council, except such as the Assistant Secretary may consider for any reason to be unfit for publication, shall be delivered to some bookseller in Calcutta, who will engage to sell them at such rates as may be fixed by the Assistant Secretary.

55. The President, for sufficient reason, and whether upon the application of a Member or otherwise, may suspend any of the foregoing Rules for a particular purpose

RULES FOR THE CONDUCT OF THE LEGISLATIVE BUSINESS OF THE COUNCIL OF THE LIEU- TENANT-GOVERNOR OF THE NORTH- WESTERN PROVINCES AND OUDH.

I.—Preliminary.

1. In these rules—

“ Council ” means the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh, assembled for the purpose of making laws and regulations ;

“ President ” means the Lieutenant-Governor, or, in his absence, the Member highest in official rank among those who hold office under the Crown, present and presiding ; and

“ Secretary ” means the officer appointed by the Lieutenant-Governor to perform the duties of Secretary to the Council, and includes every person for the time being exercising the functions of his office.

II.—Meetings of the Council.

2. When it appears to the Lieutenant-Governor that a sitting of the Council is expedient, he shall summon the Members by a notification published in the local Gazette.

3. The Council will ordinarily meet at 11 A.M., and shall not prolong its sitting after 4 P.M., unless the President otherwise directs.

4. Members shall sit according to priority of appointment, the Junior Member being on the left of the President. The Legal Remembrancer shall sit wherever the President may appoint.

5. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day or to any part of the same day.

6. The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.

7. A Member desiring to make any observations on any subject before the Council shall address the President without rising from his chair.

8. After all the Members have had an opportunity of speaking, the mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation.

9. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

10. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.

11. On every motion before the Council the question shall be put by the President, and shall be decided by a majority of votes.

In case of a division the vote shall be taken by the Secretary in consecutive order beginning with the Member on the left of the President.

After the question is put no further discussion upon it shall be allowed.

12. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time or at the meeting of the Council next following, whether the papers or returns asked for can be given.

13. Communications on matters connected with any Bill before the Council may be addressed to the Lieutenant-Governor or to the Secretary, and must in either case be sent to the Secretary.

14. The Secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

15. Any Member who wishes to make an original motion, or move an amendment of a Bill, shall give notice of his intention at the next previous meeting, or send notice to the Secretary three days before the day of the meeting at which he intends to introduce the motion.

III.—Introduction and Publication of Bills.

16. When a motion for leave to introduce a Bill into Council in accordance with the provisions of section 38 of the Indian Councils Act has been carried, the Bill, with a full Statement of Objects and Reasons, shall, if not already prepared, be prepared by the Secretary in consultation with the mover.

17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.

18. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.

If any Member is unacquainted with English, the Secretary shall cause the Bill and the Statement of Objects and Reasons to be translated into Hindustani for his use.

19. When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions :—

(a) that it be referred to a Select Committee, or

(b) that it be taken into consideration by the Council either at once, or at some future day to be then mentioned, or

(c) that it be circulated for the purpose of eliciting opinion thereon.

20. When any motion mentioned in the preceding rule has been carried, the Bill, together with a Statement of its Objects and Reasons, shall, unless it has been previously published by order of the Lieutenant-Governor, under the next following rule, and has not been materially altered since the date of that publication, be published in English, and also in the Vernacular (unless otherwise directed by the Council) in the local Gazette.

21. A Bill may at any time be sent to the Secretary to be printed and circulated under Rule 14. The Lieutenant-Governor, if he see fit, may order such Bill to be published in the local Gazette, together with the Statement of Objects and Reasons.

IV.—Select Committees.

22. The Legal Remembrancer shall be a Member of every Select Committee.

23. The Members of every Select Committee shall be named by Council when the Bill is referred or at any subsequent meeting.

The Member in charge of the Bill shall be Chairman of the Committee, and, in the case of equality of votes, shall have a second or casting vote.

24. The Select Committee shall, unless ordered to report sooner, make a report upon the Bill referred as soon as possible after the close of two months from its publication in the local Gazette. Such report may be either preliminary or final.

The Select Committee shall in their report state—

- (1) whether the publication ordered by these rules, or by the Council, has taken place, and the date on which it has taken place ; and

- (2) whether the Bill has been so altered as to require republication.

25. The Secretary shall cause every Report of a Select Committee to be printed and circulated to each Member. If the President direct, he shall also cause the Report with the amended Bill to be published in the local Gazette.

26. The Report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished, one week beforehand, with a copy of the Report: and such objection shall prevail, unless the President, in exercise of his power to suspend any of these rules, allows the Report to be taken into consideration.

V.—Consideration and Amendments of Bills.

27. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

28. Notice of amendments should ordinarily be given to the Secretary as required by Rule 15. When notice is so given, the amendments to be moved shall be printed and circulated to each Member. If notice of an amendment has not been given, as required by Rule 15, any Member may object to such amendment being moved, and such objection shall prevail, unless the President, in exercise of his power to suspend any of these rules, allows the amendment to be moved.

29. Amendments shall ordinarily be considered in the order of the sections to which they respectively relate.

30. Notwithstanding anything in the foregoing rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council, section by section. When this procedure is adopted, the President

shall call each section separately, and, when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

31. Any Member may move that a Bill which has been amended by the Council, or by a Select Committee, be republished or recommitted, and, if the Council so decide, the President may order the Bill to be republished, or recommitted, as the case may be.

32. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future meeting, and may then be passed with or without further amendment.

33. At any time during the progress of a Bill it may be moved by the Member who brought in the same, or other Member for the time being in charge of the Bill, that it be withdrawn. If such motion be carried, the Bill shall be withdrawn accordingly.

VI.—Passing of Bills, Publication of Acts.

34. When a Bill is passed by the Council, it shall be submitted by the Secretary to the Lieutenant-Governor for the declaration of his assent in accordance with the provisions of section 39 of the Indian Councils Act, 1861.

35. If the Lieutenant-Governor records his assent upon the Bill, it shall be submitted as soon as may be for the assent of the Governor-General. When the Governor-General has signified his assent, the Bill shall be published as soon as possible in the local Gazette under the signature of the Secre-

tary as an Act of the Lieutenant-Governor in Council which has received the assent of the Governor-General and has the force of law.

VII.—Duties of Secretary.

36. At least two days before each meeting of the Council, the Secretary shall send to each Member a list of the business to be brought forward at such meeting.

37. The Secretary shall keep a journal, in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each meeting to the President for his confirmation and signature, and when so signed, shall be the record of the proceedings of the Council.

38. The Secretary shall also prepare a report of the proceedings of the Council at each of its meetings, including an abstract of the observations of the Members, and publish it in the local Gazette as soon as possible after the meeting. He shall send a copy of such report to each Member, and also to the Secretary to the Government of India in the Legislative Department.

39. It shall be the duty of the Secretary—

- (1) to perform all acts required of him by the preceding rules ;
- (2) to draft all Bills originated by the Local Government, the Statements of their Objects and Reasons, and the reports of the Select Committees to which such Bills are referred ;
- (3) to take charge of the copies of the Bills to which the Lieutenant-Governor has declared his assent ;
- (4) to keep the records of the Council ;
- (5) to keep a list of the business for the time being before the Council ;

- (6) to superintend the printing of all papers printed in pursuance of these rules ;
- (7) assist the Council and all Committees in such manner as they may direct ;
- (8) to examine all Bills and to report to the President on those which contain clauses trenching on subjects coming within section 43 of the Indian Councils Act, 1861 ;
- (9) to write all letters which the Council or the President, or any Select Committee, directs to be written.

40. All acts which the Secretary is required to do may be done by any Secretary, Junior Secretary, or Under-Secretary of the Government.

VIII.—Miscellaneous.

41. Strangers may be admitted into the Council Chamber during the sitting of the Council on the order of the President.

Application for orders of admission is to be made to the Secretary.

42. The President, on the motion of any Member, may direct, at any time during a sitting of the Council, that strangers withdraw.

43. Any paper relating to any measure before the Council may be published by order of the President. Copies of papers so published shall be sold at such rates as may be fixed by the Secretary.

44. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the list of business.

45. The President for sufficient reason may suspend any of the foregoing rules.

RULES FOR THE DISCUSSION OF THE ANNUAL FINANCIAL STATEMENT AND THE ASKING OF QUESTIONS IN THE COUNCIL OF THE GO- VERNOR-GENERAL OF INDIA.

NOTIFICATION.

Dated Calcutta, the 2nd February 1893.

IN exercise of the power conferred by section 2 of the Statute 55 and 56 Vict., Cap. 14 (the Indian Councils Act, 1892), the following Rules have been made by the Governor-General of India in Council authorizing at any meeting of the Governor-General's Council for the purpose of making Laws and Regulations the discussion of the Annual Financial Statement of the Governor-General in Council and the asking of questions ; the Rules have received the sanction of the Secretary of State for India in Council, and are now published for general information :—

I.—Preliminary.

1. In these Rules—

“ Council ” means the Council of the Governor-General of India for the purpose of making Laws and Regulations :

“ President ” means the Governor-General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor-General in Council under the Indian Councils Act, 1861, section six ; or, in the absence of both the Governor-General and the President so nominated, the senior Ordinary Member of Council present :

“ Member ” means a Member of the Council, whether ordinary, extraordinary, or additional.

II.—Rules for the discussion of the Annual Financial Statement of the Governor-General in Council.

2. The Financial Statement shall be explained in Council every year, and a printed copy given to each Member.

3. After the explanation has been made, each Member shall be at liberty to offer any observations he may wish to make on the Statement.

4. The Financial Member shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary.

III.—Rules for asking Questions.

5. Any question may be asked by any Member, subject to the following conditions and restrictions.

6. A Member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary to the Government of India in the Legislative Department, submitting in full the question which he wishes to ask.

7. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

8. The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests ; and in such case the question shall not be entered in the Proceedings of the Council.

9. The President may, if he thinks fit, allow a question to be asked with shorter notice than six days ; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

10. When the President has permitted a question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

11. A question shall be read by the Member by whom it was framed, or, in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given by the Member in charge of the Department concerned or by some other Member whom the President may designate for the purpose.

12. The President may also rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest.

13. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

14. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

RULES FOR THE DISCUSSION OF THE FINANCIAL STATEMENT AND FOR ASKING QUESTIONS IN THE COUNCILS OF THE GOVERNORS OF BOMBAY AND MADRAS.

NOTIFICATION.

In exercise of the powers conferred upon him by 55 and 56 Vict., c. 14, section 2 (the Indian Councils Act, 1892), and with the sanction of the Governor-General in Council, the Governor of Bombay in Council has been pleased to make the following Rules :—

I.—Preliminary.

1. In these rules—

“Council” means the Council of the Governor of Bombay for the purpose of making Laws and Regulations.

“President” means the Governor of Bombay, or, in his absence, the Senior Civil Ordinary Member of Council present.

“Member” means a Member of the Council, whether ordinary or additional.

II.—Rules for the discussion of the Financial Statement in the Council.

2. The Financial Statement of the Government of Bombay shall be explained in Council every year, and a printed copy given to each Member.

3. After the explanation has been made each Member shall be at liberty to offer any observations he may wish to make on the statement.

4. The Member who explained the statement shall have the right of reply, and the discussion shall be closed by the President making such observations, if any, as he may consider necessary.

5. The discussion will be limited to those branches of revenue and expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial finance.

III.—Rules for asking questions in the Council.

6. No question shall be asked or answered in the Council of the Governor, at a meeting of the Council for the purpose of making laws and regulations, as to any matters or branches of the Administration other than those under the control of the Governor in Council; and, in matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

7. Except as provided above, any question may be asked by any Member, subject to the following conditions and restrictions.

8. A Member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

9. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

10. The President may disallow any question without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests, and in such case the question shall not be entered in the Proceedings of the Council.

11. The President may, if he thinks fit, allow a question to be asked with shorter notice than six days; and may in

any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

12. When the President has permitted the question to be asked, it shall be entered in the Notice Paper for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

13. A question shall be read by the Member by whom it was framed, or, in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given either by the President or some other Member whom he may designate for the purpose.

14. The President may rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest.

15. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

16. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

In exercise of the like powers, and with the like sanction, the Governor of Madras in Council has made, *mutatis mutandis*, the same rules as the above.

The definitions contained in the rules for the discussion of the Financial Statement and for asking questions were considered necessary by reason of the proviso to the last clause of section 2 of the Indian Councils Act, 1892, which requires that the rules framed under that Statute shall be kept distinct from the rules under the Indian Councils Act, 1861, the latter, but not the former, being liable to alteration at meetings of Councils for the purpose of making Laws and Regulations. [See Notifications dated 7th February 1893, Bombay Gazette, and 14th February 1893, Fort St. George Gazette.]

RULES FOR THE DISCUSSION OF THE FINANCIAL STATEMENT AND FOR ASKING QUESTIONS IN THE COUNCILS OF THE LIEUTENANT-GOVER- NORS OF BENGAL AND THE NORTH-WES- TERN PROVINCES.

I.—Preliminary.

1. In these rules—

“Council” means the Council of the Lieutenant-Governor of Bengal assembled for the purpose of making Laws and Regulations.

“Member” means a Member of the Council of the Lieutenant-Governor for making Laws and Regulations.

“Secretary” means the officer appointed by the Lieutenant-Governor to perform the duties of Secretary to the Council.

II.—Rules for the discussion of the Financial Statement.

2. The Financial Statement of the Government of Bengal shall be explained in Council every year, and a printed copy given to each Member.

3. After the explanation has been made, each Member shall be at liberty to offer any observations he may wish to make on the statement.

4. The Member who explained the statement shall have the right of reply, and the discussion shall be closed by the Lieutenant-Governor, or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, making such observations, if any, as he may consider necessary.

5. The discussion will be limited to those branches of Revenue and Expenditure which are under the control of the Local Government; and it will not be permissible to enter upon a criticism of Imperial Finance.

III.—Rules for asking questions.

6. No question shall be asked or answered in the Council of the Lieutenant-Governor, at a meeting of the Council for the purpose of making laws and regulations, as to any matters or branches of the Administration other than those under the control of the Lieutenant-Governor; and, in matters which are or have been the subject of controversy between the Governor-General in Council or the Secretary of State and the Local Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

7. Except as provided above, any question may be asked by any Member, subject to the following conditions and restrictions.

8. A Member who wishes to ask a question shall give at least six clear days' notice in writing to the Secretary of the Council, submitting in full the question which he wishes to ask.

9. Questions must be so framed as to be merely requests for information, and must not be in an argumentative or hypothetical form or defamatory of any person or section of the community.

10. The Lieutenant-Governor may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests; and in such case the question shall not be entered in the Proceedings of the Council.

11. The Lieutenant-Governor may, if he thinks fit, allow a question to be asked with shorter notice than six days; and may in any case require longer notice if he thinks fit, or extend, if necessary, the time for answering a question.

12. When the Lieutenant-Governor has permitted the question to be asked, it shall be entered in the Notice Paper

for the day, and questions shall be put, in the order in which they stand in the Notice Paper, before any other business is entered upon at the meeting.

13. A question shall be read by the Member by whom it was framed, or, in his absence, if he so desires, by some other Member in his behalf, and the answer shall be given either by the Lieutenant-Governor or some other Member whom he may designate for the purpose.

14. The Lieutenant-Governor, or, in his absence, the Member presiding under section 45 of the Indian Councils Act, 1861, may rule, at his discretion, that an answer to a question on the Notice Paper, even though the question be not put, shall be given on the ground of public interest

15. No discussion shall be permitted in respect of an answer given to a question asked under these rules.

16. The question asked and the answer given to it shall be entered in the Proceedings of the Council.

In exercise of the like powers, and with the like sanction, the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh has made, *mutatis mutandis*, the same rules for the discussion in the Legislative Council for the North-Western Provinces and Oudh of the Financial Statement and for asking questions. [See Notification, dated Allahabad, 3rd February 1893.]

PART IV.
LEGISLATIVE STANDING ORDERS.

PRECIS OF LEGISLATIVE STANDING ORDERS.

MADRAS.

1. All Bills relating to the matters specified in section 43

Government of India, Home, dated 7th July 1875, No. 1130, recorded in G. O. dated 15th September 1875, No. 48, Legislative, and Despatch from Secretary of State to Government of India, No. 50, dated 7th October 1875, in G. O., dated 11th January 1876, No. 4, Legislative.

of the Indian Councils Act, 1861, should be submitted for the sanction of the Governor-General before they are taken into consideration in the Legislative Council, or forwarded for report to the Secretary of State.

Government of India, Home, dated 7th July 1875, No. 1130, in G. O., dated 15th September 1875, No. 48, Legislative, and Despatch from Secretary of State to Government of India, No. 50, dated 7th October 1875, in G. O., No. 4, dated 11th January 1876, Legislative.

2. The same rule applies under the instructions of the Secretary of State of the 1st December 1862 to all Bills containing penal clauses.

Extracts from Secretary of State's Despatch to the Government of India, No. 35, dated 1st December 1862, recorded in G. O., dated 22nd January 1863, No. 92, Judicial.

- " 2. Cases no doubt will occasionally occur where special legislation by the Local Governments for offences not included in the Penal Code will be required. In these cases the general rule should be to place such cases under penalties already assigned in the code to acts of a similar character. This mode of legislation, though an addition to, cannot be deemed an alteration of, the Penal Code. But if any deviation is considered necessary, then the law requires that your previous sanction should be obtained.

- " 3. It was the intention of Her Majesty's Government that, except in local and peculiar circumstances, the code should contain the whole body of penal legislation, and that all additions

or modifications suggested by experience should, from time to time, be incorporated in it. And the duty of maintaining this uniformity of course devolves upon Your Excellency in Council.

“ 4. As a general rule for the guidance of the local Councils it would probably be expedient, and this appears also to be your own view, that all Bills, containing penal clauses, should be submitted for your previous sanction.”

3. Funds have been created by various laws and orders, the appropriation of which is restricted to defined purposes. It is often found inconvenient that the action and discretion of the executive authorities should be thus hampered and confined: moreover, such funds are apt to be forgotten and sometimes misused. The Governor-General in Council has, therefore, been pleased to decide that in future no provision should be made in any Bill to be introduced into any Legislative Council in India for the creation of such a fund until the expediency of the measure has been specially considered in the Financial Department of the Government of India. As a rule, objections are felt to the creation of such funds, and specially to their creation by an act of the Legislature, unless in any case, as in that of the University Fee Fund, the assets and liabilities are altogether separate and distinct from the general assets and liabilities of the State.

4. Section 67 of the Indian Penal Code, as amended by Act VIII. of 1882, provides that if an offence is punishable with fine only, the imprisonment which the Court imposes in default of payment of the fine shall be simple. The word “offence” in that section has by section 21 of Act X. of 1886 been so defined as to denote a thing punishable under a local or special law as well as under the code; and an enact-

Government of India,
Financial Resolution, dated
19th June 1877, No. 1275,
in G. O., Financial, dated
5th July 1877, No. 1843.

Government of India, Le-
gislative, dated 31st May
1886, No. 1076, in G. O.,
Legislative, dated 17th June
1886, No. 120.

ment of the local Legislature prescribing rigorous imprisonment, or imprisonment, rigorous or simple, at the discretion of the Magistrate, in default of payment of fine, where the offence is punishable with fine only, would now be open to objection under section 42 of 24 and 25 Vict., Cap. 67, as being in conflict with a law passed by the Governor-General in Council after the passing of that statute.

5. The Legislative Department is not, in respect of Government of India, government measures, an originating or Home, dated 12th July 1873, No. 2301, in G. O., Judicial, initiating department, and its proper dated 24th July 1873, No. 1162, function in respect of such measures is to clothe with a technical shape projects of law of which the policy has been affirmed elsewhere. Accordingly all legislative proposals emanating from Local Governments and Administrations should be addressed, not to the Legislative Department, but to the proper Executive Department of the Government of India. When once a measure has been referred to the Legislative Department that Department corresponds directly with the Local Governments and Administrations, and all correspondence with Her Majesty's Government relating to Bills and Acts of the Imperial and Local Councils is conducted in the Legislative Department.

6. Bills brought before the Legislative Council will be G. O., dated 16th February 1873, No. 39, Legislative, translated into the vernaculars and circulated with the District as well as the Fort St. George Gazettes.

7. Bills emanating from Non-official Members of the Government of India, Legislative, No. 1430, dated 14th August 1888, in G. O., dated 4th September 1888, No. 70, Legislative, Council should after introduction be dealt with in the same way as measures brought forward by Government.

8. Whenever the Government in its executive capacity has decided to submit a measure of importance, which is not urgent, to the Council for making Laws and Regulations, a despatch is to be addressed Secretary of State's Despatch, No. 9, dated 31st March 1874, in G. O., dated 22nd July 1874, No. 23, Legislative, and G. O., dated 16th January 1875, No. 3, Legislative.

to the Secretary of State, stating at length the reasons for the measure and the manner in which its objects are to be carried out. The despatch is to be accompanied or followed soon after by a draft of the Bill proposed to be introduced.

When this course is not followed, because a measure of importance is urgently required, the grounds of the opinion on which the Government has acted are to be subsequently communicated.

9. The Bill should not be proceeded with in the Legislative Council until a communication has been received from the Government of India in the Legislative Department to the effect either that the Secretary of State has no objection to the proposed Bill, or that no reply has been received from the Secretary of State within two months from the date of the report.

Government of India Despatch to Secretary of State, dated 24th December 1874, No. 72, in Legislative G. O., dated 16th January 1875, No. 3. Secretary of State's Despatch to Government of India, dated 11th February 1875, No. 8, in Legislative G. O., dated 1st May 1875, No. 20.

10. Any objections which may be made by the Secretary of State in Council to legislative measures proposed by Local Governments, as well as any concurrence which may be expressed therewith, are, as a rule, conveyed through the Government of India.

11. The report of a Bill or amendment to the Secretary of State and the receipt of no opinion adverse to it from him is not to be considered as necessarily implying on the part of Her Majesty a final approval of such legislation; considerations may arise in particular cases which may make it expedient to defer the expression of the Secretary of State's opinion until the period at which the measure is sent to England for the assent or disallowance of the Crown.

12. Copies of Bills pending before the Legislative Council should be transmitted to the Secretary of State, in all their stages, with connected papers

Secretary of State's Despatch, No. 1, dated 11th May 1882, in G.O., dated 22nd June 1882, No. 39, Legislative.

13. When a Bill, which has been approved by the Secretary of State, is materially changed during its passage through the Legislative Council, the progress of the Bill should be delayed as provided in para. 5 of the Despatch from the Secretary of State, dated 31st March 1874, No. 9, in G.O., dated 22nd July 1874, No. 28, until the Secretary of State has a fresh opportunity of expressing his opinion.

14. The decision as to whether any measure has or has not undergone such material change during its passage through the Council as to bring it within the preceding rule, rests with the Local Government, and in the despatch forwarding an amended Bill to the Secretary of State in accordance with para. 2 of the Government of India despatch to the Secretary of State, dated 24th December 1874, No. 72, in G.O., dated 16th January 1875, No. 3, it should mention what the decision is, and whether it is intended to proceed with the Bill at once or to delay the progress of the measure until the receipt of a communication from the Secretary of State or the Government of India as the case may be.

Government of India, Legislative, dated 14th August 1888, No. 1430, in G.O., dated 4th September 1888, No. 70, Legislative.

15. When a letter is despatched to the Secretary of State relating either to a Bill or an amendment, copies of the letter, with enclosures, should be sent to the Government of India in the Legislative Department for information.

Government of India, Home, dated 7th July 1875, No. 1130, in G.O., dated 15th September 1875, No. 48, Legislative.

16. The Government of India in the Legislative Department is to be supplied with 27 copies—

Government of India, Legislative, dated 14th July 1879, No. 751, in G.O., dated 1st August 1879, No. 97, Legislative, as modified by Government of India, Legislative, dated 14th May 1880, No. 1020, in G.O., dated 27th May 1880, No. 14, Legislative.

- (1) of every Bill and accompaniments referred to in the foregoing paragraph including the covering letter ;
- (2) of every Bill, with annexure, which is despatched to the proper Executive Department of the Government of India for the previous sanction of the Governor-General under section 43 of the Indian Councils Act, or of the Government of India under the instructions of the Secretary of State of the 1st December 1862 ;

- (3) of every Bill submitted for the assent of the Governor-

	No. of Copies.	General under section
Bill as introduced		40 of the Indian Councils Act, together with
Annexure		the papers specified
Reports of Select Committees		in the margin.
Amended Bills		
Papers (printed) relating to Bills		
Bills as passed		
Abstract of Proceedings of Legislative Council connected with each stage of the measure		

17. If in any case Abstract Proceedings of the Legislative

Government of India, Legislative endorsement, dated 23rd December 1886, No. 2524, in G. O., dated 10th January 1887, No. 1R., Legislative. Government of India, Legislative, dated 25th April 1888, No. 727, in G. O., dated 17th May 1888, No. 47, Legislative. Government of India, Legislative, dated 30th June 1888, No. 1118, in G. O., dated 14th July 1888, No. 57, Legislative.

Council are forwarded with a Bill under the foregoing rule, such extracts only of the Proceedings as refer to the

Bill should accompany it and not the entire proceedings of the day.

18. When any Bill either pending before, or about to be

Government of India, Legislative, dated 10th December 1878, No. 1524, in G. O., dated 10th December 1878, No. 185.

introduced into, the Legislative Council, is submitted for the consideration of the Government of India or for previous sanction, or when any Bill is passed and is submitted for the assent of His Excellency the Governor-General, any existing law on which any of the sections are based should be noted in the margins of those sections.

19. Two or more Bills forwarded for His Excellency the Governor-General's assent should not

Government of India, Home Department, Official Memorandum, Nos. 738-39, dated 6th February 1860, in G.O., dated 18th February 1860, No. 68, Legislative.

be sent under one covering letter, but each Bill is to be forwarded separately, so that it may be dealt with in the department to which it appertains, and

the disposal of one Bill may not be delayed for the consideration of another.

20. It may happen that the Governor-General may find it

Government of India, Legislative, dated 15th January 1883, No. 113, in G.O., dated 30th January 1883, No. 23, Legislative.

inexpedient to sanction an Act having retrospective effect, and may consequently have to refuse his assent, therefore Acts should be so framed as to

enable the assent of His Excellency the Governor-General to be procured before the date fixed for their coming into force.

21. The Governor-General having once formally disal-

Government of India, Home, dated 22nd January 1863, No. 503, in G.O., dated 4th February 1863, No. 173, Judicial.

lowed a Bill, it is impossible for him to revoke that disallowance. The Bill has ceased to have any vitality and

cannot be revived except by re-introduction as a new Bill into the local Legislative Council.

22. When Local Governments have occasion to introduce

Government of India, Legislative, dated 23rd May 1879, No. 570, in G.O., dated 19th June 1879, No. 73, Legislative.

Bills which may possibly conflict with some Statute or Act of the Governor-General in Council which the Local

Legislature is precluded from affecting, or restrict the jurisdiction of the High Court, it is recommended that copies of the Bills be first submitted to His Excellency the Governor-General in Council for examination through the Legislative Department. It is not the desire of the Government of India to press this suggestion on Local Governments; but if any Local Government thinks fit to act on it in any case, it will arrange for the examination of the draft submitted and for communicating at an early date the result of its examination.

EXISTING INSTRUCTIONS IN RESPECT OF THE MEASURES OF THE BENGAL COUNCIL.

1. Every Bill containing penal clauses should, before be-

Home Department No. 157, dated 13th January 1863, to Government of Bengal.

Home Department letter to Government of Bengal, No. 1127, dated 7th July 1875, paragraph 12.

ing otherwise dealt with in any way, be submitted to the Home Department for the previous sanction of the Governor-General in Council.

2. Every project of law (except a consolidation measure,

Legislative Department letter to Government of Bengal, No. 1052, dated 13th August 1857.

Home Department letter to Government of Bengal, No. 1127, dated 7th July 1875, paragraphs 5 and 6.

Government of Bengal letter to Home Department, No. 28151, dated 10th October 1870.

Home Department letter to Government of Bengal, No. 1754, dated 6th November 1876.

pure and simple) should be submitted* by the Legislative Department of the Government of Bengal to the Legislative Department to the Government of India for transmission to the Secretary of State before its introduction. The project may be submitted either in the form of a draft Bill, accompanied by all necessary papers, or in the shape of a

despatch to the Government of India explaining the proposed measure. When the project is submitted in the form of a draft Bill,† 25 copies of the Bill and connected papers should be sent; and when an explanatory despatch only is submitted, 20 copies of the Bill and connected papers should be submitted as soon as possible after the Bill is ready.

3. A project of law submitted in accordance with the in-

Legislative Department letter to Government of Bengal, Legislative Department, No. 390, dated 5th March 1885.

structions in paragraph 2 should not be proceeded with until the receipt of a communication from the Legislative Department of the Government of India stating that the Secretary of State has no objection to the proposed Bill, or that no reply has been received from the Secretary of State

* Letter from Government of Bengal, Legislative Department, No. 691, dated 22nd December 1884.

† Letter to Government of Bengal, No. 2840, dated 31st December 1884.

within two months from the date of the despatch with which the proposed Bill was sent to him by the Legislative Department of the Government of India.

4. In cases where early action is desirable, sanction to the introduction of a Bill will be given by the Governor-General in anticipation of the Bill being reported by the Legislative Department of the Government of India to the Secretary of State, and in these cases it will not be necessary for the Government of Bengal to wait for a further communication from the Legislative Department of the Government of India before the Bill is passed.

5. The report of a proposed Bill to the Secretary of State, and the fact of his omission to record an adverse opinion with respect thereto, are not to be taken as implying final approval of the proposed legislation on the part of Her Majesty, and, similarly, the transmission of a proposed measure by the Legislative Department of the Government of India to the Secretary of State is not to be held to imply that the Governor-General will necessarily give his assent to the Bill when passed.

6. A Bill of an urgent character when introduced, or about to be introduced, into the Local Council without the observance of the foregoing formalities should be submitted to the Legislative Department of the Government of India immediately after the introduction of the Bill, or as soon as the introduction of the Bill has been resolved upon by the Local Government, with a letter explanatory of the adoption of that course.

7. If during the progress of a consolidation measure through Council a new enactment has to be incorporated in it, a previous report on the subject should be made to the Legislative Department of the Government of India by the Legislative Department of the Government of Bengal; similarly, if after a Bill has been

Home Department letter to the Government of Bengal, No. 1127, dated 7th July 1875.

Home Department letter to the Government of Bengal, No. 1127, dated 7th July 1875.

Letter from Government of Bengal, No. 2818T, dated 16th October 1876, paragraph 5.

Home Department letter to Government of Bengal, No. 1754, dated 6th November 1876.

Home Department letter to Government of Bengal, No. 1127, dated 7th July 1875, paragraphs 5 to 7.

reported to the Government of India and the Secretary of State, and the Government of Bengal has been authorised to proceed with it, alterations of importance are made in it, the amended Bill should be forwarded to the Legislative Department of the Government of India, and the procedure in regard to measures which it is intended to introduce will, in the absence of instructions to the contrary, be held to apply to it ; that is to say, it should not be further proceeded with until the receipt of a letter from the Legislative Department of the Government of India authorising further the progress of the Bill.

8. A Bill submitted under section 40 of the Indian Councils Act, or a proposal for the making and promulgation of an ordinance under section 23, or a proposed law which requires the previous sanction of the Governor-General under section 43, should be submitted to the Executive Department of the Government of India to which the subject of the Bill, proposal, or law, as the case may be, belongs.

PART I.

(Procedure with regard to Bills before their introduction into Council.)

I. No. 9, dated India Office, London, the 31st March 1874.

From—Her Majesty's Secretary of State for India,
To—His Excellency the Right Hon'ble the Viceroy
and Governor-General of India in Council.

My attention has been drawn to the great number and importance of the measures recently passed by the Council of the Governor-General for making Laws and Regulations,

which have been brought for the first time to the official knowledge of the Secretary of State for India through enactments sent hither for Her Majesty's approval or disallowance, under section 21 of the Indian Councils Act. The Government of India appears to have taken upon itself the entire responsibility for nearly the whole of these measures throughout their course. The policy embodied in them was no doubt maturely considered in the first instance by the Governor-General in his executive capacity and in Executive Council. When this policy was determined upon, Bills to give effect to it were drafted in your Legislative Department, and were subsequently introduced into the Legislative Council by the Law Member or by some other Member of Council, or by some gentleman who acted as the organ of the Government. In their passage through the Legislature they appear to have remained in charge of some representative of the Governor-General in Council up to the time of their final enactment. There is no question that, if measures of equally great moment to the fortunes and interests of the Indian Empire had been adopted by the Governor-General, not in the Council for making Laws and Regulations, but in Executive Council, they would have been reported to me in full detail at a much earlier stage, and I see no sufficient reason why the circumstance, often quite accidental, that Your Excellency's orders take a legislative form should deprive me of all official information concerning them until a period at which it becomes peculiarly difficult to deal with them. Among many inconveniences which attend the present course of proceeding, it may be pointed out that, if the Secretary of State advises Her Majesty to disallow an enactment under section 21 of the Indian Councils Act, he may be annulling, on the score of a single objectionable provision, the results of much conscientious labour on the part of the Legislature, and of much technical skill bestowed by the Legislative Department; and, further, that, unless a measure is reserved under section 20 of the

above Act for Her Majesty's pleasure (a course which appears to be very rarely followed), its disallowance may cause great difficulty and confusion by rendering useless courses of administrative action which have been entered upon on the footing of the law. It adds to the force of these observations that of late there has been a considerable increase in the number of petitions and representations addressed to the Secretary of State by natives of India and others on the subject of intended legislative measures, concerning which his information is at best imperfect.

2. The present practice appears to be a departure from older precedents. I observe that, as recently as 1868, despatches were addressed by the then Government of India to Sir Stafford Northcote (Home Department, Legislative, 30th June 1868; Home Department, Public, 6th November 1868), in which full information was given to him respecting important legislation which was at that time contemplated, and in which his opinion on its policy was invited. I consider that a return to this method of proceeding would be attended with advantage, and I request therefore that Your Excellency in Council will observe in future the following rules with reference to all intended legislative measures which are at the same time of importance and are not urgent.

3. Whenever the Governor-General in (Executive) Council has affirmed the policy and expediency of a particular measure, and has decided on submitting it to the Council for making Laws and Regulations, I desire that a despatch may be addressed to me stating at length the reasons which are thought to justify the step intended to be taken, and the mode in which the intention is to be carried out. This despatch should be accompanied by a copy of the Bill drafted in your Legislative Department, or should be followed by such copy with as brief delay as possible. I do not propose to reply at

once in all cases to this communication, but I request that Your Excellency will mention in it the date at which it is intended that the Bill referred to shall be submitted to the Legislative Council, and that this date may be so fixed as to afford me sufficient time to address to you on the contemplated measure such observations as I may deem proper, if I should desire to observe upon it.

4. I have excepted from the above directions measures of slight importance (of which I am aware that a considerable number pass the Legislative Council annually), and measures urgently requiring speedy enactment. I leave Your Excellency to judge of the degree of importance which will bring a given case within the rule I have laid down, and of the degree of urgency which will withdraw another case from it. In the event, however, of your omitting to give me previous information of an intended enactment on the ground that it is urgently required, I request you to communicate to me subsequently the grounds of the opinion on which you have acted.

5. It is of course conceivable that a Bill of which I have approved, or which has been modified in conformity with my desire, may be materially changed during its passage through the Legislative Council. It appears to me that, as a fact, that body rarely alters Government measures on points of principle; but if the case to which I am referring should happen, I do not apprehend that Your Excellency would have any practical difficulty in delaying the progress of the Bill until I have a fresh opportunity of expressing my opinion.

6. In making these observations I have not failed to bear in mind the correspondence which took place in 1870 between my predecessor and the Government of Lord Mayo respecting the powers of the Council for making Laws and Regulations, but it does not appear to me that the questions

discussed in that correspondence are raised by the rules which I have requested Your Excellency to observe.

7. It is my intention to send a copy of this despatch (omitting the last two paragraphs) to the Governors in Council of Madras and Bombay for their guidance in matters of legislation, and I request you to transmit a copy (with the like omission) to the Lieutenant-Governor of Bengal, to whose legislative measures I wish my directions, *mutatis mutandis*, to apply.

II. No. 45, dated Fort William, the 28th July 1874.

From—The Government of India in the Home Department,

To—Her Majesty's Secretary of State for India.

WE have the honour to acknowledge the receipt of your Lordship's despatch (Legislative) No. 9 of the 31st March 1874.

2. In that despatch the following rules are prescribed for the guidance of the Government of India, the Governments of Madras and Bombay, and the Lieutenant-Governor of Bengal in matters of legislation :—

- (1)—Whenever the Government, in its executive capacity, has decided to submit a measure of importance, which is not urgent, to the Council for making Laws and Regulations, a despatch is to be addressed to the Secretary of State, stating at length the reasons for the measure and the manner in which its objects are to be carried out. The despatch is to be accompanied, or followed soon after, by a draft of the Bill proposed to be introduced.

- (2)—When this course is not followed, because a measure of importance is urgently required, the grounds of the opinion on which the Government has acted are to be subsequently communicated.

3. In communicating the motive for these rules and instructions, the despatch alludes to the great number and importance of the measures recently passed by the Council of the Governor-General for making Laws and Regulations, which have been brought for the first time to the official knowledge of the Secretary of State through enactments sent home under section 21 of the Indian Councils Act. And your Lordship observes that our present practice in regard to communications with the Secretary of State upon important legislative measures appears to have departed from older precedents. It is added that there has been a considerable increase in the number of petitions and representations addressed to the Secretary of State by natives of India and others on the subject of intended legislative measures, concerning which his information was at best imperfect.

4. We have no record of the petitions and representations on the subject of intended legislative measures to which your Lordship refers, and we know only one instance of a representation recently made to your Lordship regarding measures under our consideration. In fact, during the last two years, few measures of importance have been introduced into the Legislative Council of the Governor-General; and official consultations have passed between the Secretary of State and the Government of India in respect to several measures, either introduced or under consideration, during that period. We are not aware that there has been any deviation from former practice in this respect, and we can certainly affirm that none has been intended.

5. Your Lordship's despatch explains that the degree of importance which will necessitate reference of a measure to the Secretary of State before its introduction to our Legislative Council is left to be determined by our judgment. We see no difficulty in giving effect to your Lordship's wishes as thus understood. We assume that they do not contemplate the examination and criticism of the drafts of Bills on points of form or detail, and that only their general object and scope would form the subject of correspondence. We believe that we could place before your Lordship sufficient reasons to show that any further discussion of Bills previous to their introduction would be likely to cause serious inconvenience. But from the tenor of your Lordship's despatch we do not infer that any argument upon this point is required from us.

6. We observe, however, that your Lordship sees no sufficient reason why the circumstance that our orders take a legislative form should deprive the Secretary of State of all official information concerning them, until a period at which it becomes peculiarly difficult to deal with them. There is of course a distinction, which has been observed from the earliest constitution of our Indian Governments, between measures that are put in force by the Executive and those that are committed to legislation. It may be true that this distinction makes no difference in the expediency of taking the opinion of the Secretary of State in Council upon any important legislative measure before its policy has been affirmed by the Executive Government. On the other hand, when that policy has been settled and announced, and when the measure founded upon it is under consideration by the Council of the Governor-General, which, when assembled for the purpose of making laws, includes additional Members, and deliberates in public, we apprehend that the question of subsequent reference to the Secretary of State then takes a different aspect.

7. If an important alteration on a point of principle in a Bill of which the Secretary of State has approved, or which has been modified in conformity with his desire, should be made during its passage through the Legislative Council, your Lordship apprehends that there will be no practical difficulty in delaying the progress of the Bill until the Secretary of State has had a sufficient opportunity of expressing a further opinion.

8. Alterations of great importance, proposed or made during the passage of a Bill through the Legislative Council, would be considered by the Government in its executive capacity. Such alterations may be equivalent to measures which, if they had been affirmed before the introduction of a Bill, it would have been proper in our judgment to communicate to the Secretary of State. In that case, and in the absence of any practical difficulty as to delaying the progress of the Bill, we should refer these alterations to the Secretary of State. We do not gather that your Lordship requests us to frame any rule for the purpose of regulating the manner in which rare cases of this kind should be dealt with in the Legislative Council. In order, however, to guard against risk of misapprehension upon a matter which might materially affect the position of the Legislative Council, we desire to add the expression of our opinion that such a rule would be open to objections which we have not considered necessary on the present occasion to discuss; while the application of your Lordship's directions to any wider class of cases than that to which we have alluded would be likely to give rise to difficulties. We shall be prepared to state our reasons at length if your Lordship should entertain any doubt upon this part of the subject.

9. We foresee considerable impediments to the application of the rules prescribed by your Lordship's despatch to the

legislative business of the presidencies of Madras and Bombay, and of the Lieutenant-Governorship of Bengal.

10. By the Indian Councils Act, 1861, the Governor-General has certain defined powers with regard to the legislation of the two presidencies and the Lieutenant-Governorship. Under the 43rd section, no Bill which affects certain subjects specified in the section (in fact, no Bill of real importance) can be taken into consideration except with the Governor-General's previous sanction ; and under the 40th section, Acts when passed are to be transmitted to him, and upon his assent they become valid, subject to subsequent disallowance by the Crown.

11. While the law remains as it is, we cannot avoid the conclusion that these rules will invest the Home Government and the Government of India with a concurrent authority that might be exercised simultaneously in different directions upon these matters. The Governor-General will not be relieved from the responsibility which devolves upon him by law of giving or withholding his sanction to the introduction of certain classes of Bills, or from giving or withholding his assent to all Acts. On the other hand, the rules now under discussion have been framed with the object of enabling the Secretary of State to express an opinion upon the propriety of introducing certain Bills into the Local Councils and upon important alterations made during their progress. It is obvious that, if the opinion expressed by the Secretary of State to the Local Government should in any case differ from that of the Governor-General, the position of the Governor-General would be embarrassing. We consider that such concurrent, and possibly conflicting, action might complicate proceedings, and that the application of the rules to the business of the Local Councils would eventually be found to require an alteration to be made in the law.

12. We have also to observe that, by the Legislative Despatch No. 35 of December 1st, 1862, all Bills which contain

penal clauses are ordered to be submitted for the previous sanction of the Government of India to those clauses before being introduced into the local Legislatures. For reasons similar to those which have been given above in respect to the Governor-General's previous sanction required by Statute, we should exercise this executive power henceforward with much hesitation if the Local Governments were simultaneously consulting the Secretary of State upon the Bill containing the penal clauses. But we think that the free exercise of this power is very useful in controlling the unnecessary multiplication of petty penal enactments and in preserving a general equality of punishments prescribed in different provinces for similar classes of offences. It has been often used with advantage, and we recommend that it be continued in our hands.

13. Moreover, it is in our judgment inexpedient, upon general grounds, to place restrictions upon the direct power to control and guide the proceedings of the local Legislatures, which the present law and practice entrust to the Governor-General, or to the Government of India. We are opposed for many reasons to anything which would bring about such a change. Bills introduced into, and Acts passed by, the local Legislatures require careful consideration as to their bearing towards the laws that have been passed by the Legislative Council of India; they often impose local and municipal taxes which are intimately connected with Imperial taxation and Imperial finance, for which we are primarily responsible; and they frequently deal with matters of considerable importance to the Supreme Executive Government. For these considerations it appears to us that the Governor-General and the Government of India should be left to discharge the duties which have been imposed upon them by the Indian Councils Act and by existing administrative regulations. And we therefore trust that your Lordship will agree with us that the rules respecting the communication of Bills to the Secretary

of State cannot be applied without embarrassment to the legislative measures of the Local Governments.

14. In conclusion, we enclose a list of the business now before the Council of the Governor-General for the purpose of making Laws and Regulations, together with a minute written by the Hon'ble Mr. Hobhouse, which will afford a full explanation of the several measures included in the list.

III. No. 33 (Legislative), dated India Office, London, the
15th October 1874.

From—Her Majesty's Secretary of State for India,
To—The Government of India.

I HAVE received and considered in Council Your Excellency's despatch (Home Department, Public) of July 28th, No. 45 of 1874.

2. In my despatch of March 31st, 1874, to which you reply, I requested Your Excellency to furnish me (save in cases of urgency) with full and timely information concerning the policy of all important measures which it was your intention to submit to your Council for making Laws and Regulations. Your Excellency now intimates that you see no difficulty in complying with this request, and you further state that, where alterations of great importance have been made in a Bill during its passage through the Legislative Council, you will, in the absence of any practical difficulty as to delaying the progress of the measure, communicate such alterations to the Secretary of State. But in regard to this last point you do not think it expedient that there should be any fixed rule for the purpose of regulating the manner in which cases of the kind should be dealt with in the Legislative Council. You have rightly gathered from my language that I do not consider such a rule necessary or desirable.

3. Your Excellency, however, foresees considerable impediments to the application of the rules prescribed in my despatch to the legislative business of the presidencies of Madras and Bombay, and of the Lieutenant-Governorship of Bengal. You observe that, by the 43rd section of the Indian Councils Act, 1861, no Bill which affects certain subjects specified in the section can be taken into consideration without the previous sanction of the Governor-General, whose assent to an enactment of a local Legislature is also rendered necessary by the 40th section of the same Statute. You apprehend that the control over local legislation thus reserved by law to the Governor-General may be interfered with or weakened if the Local Governments are instructed to supply the Secretary of State with the same information respecting their Bills which I have requested you to furnish concerning legislative measures which Your Excellency's Government may have in contemplation. I am unable to perceive that any evil can arise from my being kept informed respecting all intended Indian legislation. My possession of that information will not diminish the power now vested in Your Excellency by law of rejecting, either before or after its enactment, any legislative proposal of the subordinate Governments. The circumstance that in any given case a discretion has been given to the Governor-General by Statute will at all times have due weight attached to it by the Secretary of State when the question of commenting on a particular measure is under consideration. At the same time, to obviate all chance of concurrent or conflicting action, I will always state to Your Excellency's Government, and not to that of Madras or Bombay, any objections I may think it right to make to their legislative proposals.

4. The object of the instructions which I have given to Your Excellency on this subject is not to fetter the discretion which the law has vested in the various legislative authorities of India, nor in any case to renounce, on behalf of the Crown, the power of disallowance which belongs to it. I therefore

think it desirable to add that the mere fact of my not having replied to a despatch explaining to me the policy of any intended legislation is not to be regarded as necessarily implying on the part of Her Majesty a final approval of such legislation. Considerations may arise in particular cases which may make it expedient to defer the expression of my opinion until the period at which the measure is sent to England for the assent or disallowance of the Crown.

IV. No. 72, dated Fort William, the 24th December 1874.

From—The Government of India in the Home Department,
To—Her Majesty's Secretary of State for India.

WE have the honour to acknowledge your Lordship's despatch (Legislative) No. 33, dated 15th October last.

2. With respect to communications with the Secretary of State in Council after a measure has once been publicly launched, and while it is in the hands of the Legislative Council, we understand your Lordship to make full allowance for the practical difficulties which we pointed out in our despatch of the 28th of July. Subject to such difficulties, we shall bear carefully in mind your Lordship's wish to receive intelligence of any alterations of great importance that may be made in a Bill in such time as will enable the Secretary of State in Council to express an opinion before the measure has passed into law.

3. With regard to the receipt of answers to the communications which will be made to your Lordship upon proposed legislation, we still feel some difficulty. We do not mean to suggest that the Secretary of State should, by the expression of his opinion upon any measure before its introduction, fore-

stal or prejudice the exercise of his important function of advising the Crown when the measure has reached its maturity ; but the object of the instructions now under consideration is to afford time for intervention in case the Secretary of State in Council thinks fit to intervene, and that time must vary according to the pressure of business in the India Office, and according to the difficulty presented by the measures themselves. We should be rather at a loss to judge of the time required for the contemplated purpose in each particular case ; and we need hardly say that when a measure is once determined on, and a Bill drawn to carry it into effect, it is desirable to proceed with it so as to give room for the smallest amount of inconvenience resulting from the frequent changes in Indian official life. We would suggest to your Lordship that the difficulty we are now speaking of would be reduced to a minimum if, instead of a date being fixed by us with respect to each measure, it were understood that whenever no reply is received to a communication within two months after it has been despatched, or whenever the reply is a simple acknowledgment of receipt, we shall take it as an intimation that the Secretary of State in Council wishes to reserve the expression of his opinion until the measure comes up in a mature state for the pleasure of the Crown. We say only two months, because if more time should be required for consideration, we could be so informed either by a despatch or by telegraph, and we should hold our hands accordingly. Such an understanding would be in accordance with the principles expressed in Sir C. Wood's despatch No. 58, dated 31st December 1863.

4. Your Lordship has assured us generally that the instructions which have been given with regard to legislation are not intended to fetter the discretion which the law has vested in the various legislative authorities of India, and in particular that their application to legislation in the local Legislative Councils " will not diminish the power now vested in the Governor-General by law of rejecting, either before or

after its enactment, any legislative proposal of the subordinate Governments."

These observations, coupled with the arrangement mentioned at the end of the 3rd paragraph of the despatch under reply, appear to us to obviate the difficulties which we apprehended from the application of the instructions to the legislative business of the Local Governments.

We presume that your Lordship intends that, not only any objections which may be made by the Secretary of State in Council to measures proposed, but also any concurrence which may be expressed to their introduction, will be stated through this Government and not to the Local Governments directly.

V. No. 3039, dated Fort William, the 26th December 1874.

From—A. HOWELL, ESQ, Officiating Secretary to the
Govt. of India, Home Dept.,

To—The Secretary to the Government of Bengal.

I AM directed to forward, for the information and guidance

Despatch from Secretary
of State, No. 9, dated 31st
March 1874.

Ditto to ditto, No. 45, dated
28th July 1874.

Ditto from ditto, No. 33,
dated 15th October 1874.

To ditto, No. 72, dated
24th December 1874.

of the Government of Bengal, a copy of the correspondence noted on the margin regarding the submission to the Secretary of State of all important legislative measures prior to their introduction into the local Legislative Councils, and of all important alterations of principle affirmed in the progress of such measures. It will be observed that the rules now prescribed are not intended to interfere in any way, either with the procedure required by the 43rd section of the Indian Councils Act, as to previous communication with the Governor-General in the case of certain specified classes of measures, or with the orders contained in the Secretary of State's Legislative despatch, No. 35 of December 1st, 1862, as to similar communication with the Government of India in the case of measures containing penal clauses.

2. I am further desired to add that all communications on the subject of projects of legislation should be addressed to the Government of India in the executive department to which they appertain, by which they will be communicated to the Secretary of State.

VI. No. 194, dated Calcutta, the 15th January 1875.

From—RIVERS THOMPSON, ESQ., Secretary to the
Government of Bengal,

To—The Officiating Secretary to the Government of
India, Home Department.

I AM directed to acknowledge the receipt of your letter No. 3039, dated 26th December 1874, with enclosures, regarding the submission to the Secretary of State of all important legislative measures before their introduction into the local Legislative Councils, and of all important alterations of principle affirmed in the progress of such measures, and to assure the Governor-General in Council that these instructions will be carefully followed in future.

2. His Excellency in Council is aware that, in consequence of the more pressing calls made by the famine on the attention of officers of the Government, scarcely any legislative work has been done since 1873 in the Council of the Lieutenant-Governor.

3. In the course of last month His Excellency in Council acceded to the Lieutenant-Governor's proposal to employ Mr. Dampier exclusively in preparing, for submission to the Council, several measures of which the necessity has for some time been recognized. In a speech, which is reported in the annexed proceedings of the Council at the meeting of the 19th of December, Sir Richard Temple laid the programme of the proposed legislation before the Council, and in the pro-

ceedings at the meetings of the 2nd and 9th of January (of which also copies are annexed) the objects of some of the measures were explained in greater detail by Mr. Dampier and Mr. Hogg, when formally asking permission of the Council to introduce the Bills.

4. None of these Bills can be said to be important as introducing new principles : the measure making compulsory the registration of possessory titles in landed estates is one of which the effect will no doubt be widely felt ; but it is in fact no more than the re-assertion of an obligation imposed on landholders by the oldest regulations—which indeed are still unrepealed—although the enforcement of the obligation has gradually been allowed to fall into abeyance.

5. The principle of the measure for erecting boundary marks at the expense of those interested in the land surveyed, though new to the provinces under the Lieutenant-Governor, is one which has been acted on in all other provinces ; and it has been introduced under the express instructions of the Governor-General in Council, as explained by the Lieutenant-Governor and by Mr. Dampier in their speeches. It is expected that the application of the principle will be, for some time at least, limited to certain local surveys made for such special purposes as for re-settlements.

6. The Bill for making better provision for the partition of estates has for its object only the amendment of the procedure where it has been found defective ; and the more certain expression of the intention of the Legislature on points which have been the subject of doubt, discussion, and litigation under the existing law.

7. The Registration Bill, the Boundary Marks Bill, and the Partition of Estates Bill are among those to which reference was made in my letter No. 3412CS, dated 7th December 1874 (General Department, Section B), as being “the out-

come of years of discussion under successive Lieutenant-Governors."

8. It remains to notice the more important measures to which reference was made by the Lieutenant-Governor in his programme, but which have not as yet been formally brought before the Council by the Member in charge of the Bills.

9. The measure for protecting rent-payers from the into-

Extract, paragraph 3, from a letter from the Government of Bengal, Revenue Department, No. 1661, dated 2nd July 1873, to the Secretary to the Government of India, Revenue, Agriculture, and Commerce Department.

Letter No. 621, dated 30th July 1873, from Secretary to Government of India, Revenue, Agriculture, and Commerce Department, to the Secretary to the Government of Bengal, Revenue Department.

Letter No. 2027, dated 25th September 1874, from Secretary to Government of Bengal, Revenue Department, to Secretary to Government of India, Revenue, Agriculture, and Commerce Department, enclosing copy of Sir George Campbell's Resolution, recorded, in the Revenue Department, on 23rd August 1873.

Reply of the Secretary to the Government of India, Revenue, Agriculture, and Commerce Department, No. 966, dated 21st November 1874.

lerable doubts, trouble, and vexation which attend the obligation under which they now are placed of paying portions of their rent to the several coparceners in joint estates has already been fully laid before the Government of India. The annexed extracts will explain the views entertained by the Lieutenant-Governor, and those of the Governor-General in Council. As directed in Mr. Hume's letter No. 966, dated 21st November 1874, the draft Bill will be submitted for His Excellency's consideration before the measure is formally introduced to the Council.

10. It is proposed to revive the consideration of the Bengal Municipalities Bill, which received so much attention from the late Lieutenant-Governor and the Council in 1872. While refusing his assent to the measure, the Governor-General communicated to the Government of Bengal the following remarks:—

"While, however, His Excellency has felt it to be his duty for the above reasons to withhold his assent from the Bill, he fully recognizes the fact that it contains many useful amendments of the existing law with respect to municipalities in Bengal; and the discussions which have taken place in the

Legislative Council of Bengal have satisfied him that some changes in that law might be made with advantage.

"It might, also, in His Excellency's opinion, be desirable to amend the present law so as to enable municipalities under Acts III. of 1864 and VI. of 1868 voluntarily to contribute in aid of education within their districts."

11. With advertence to these views, it is proposed to reconsider the Bill, with the object of adopting those portions of it which did not meet with His Excellency's objections, or in favour of which His Excellency's opinion was expressed.

12. The opportunity would be taken to consolidate the scattered provisions of existing laws into one Act; to provide for the registration of births and deaths in municipalities; for the regulation of the municipal police, and for the adjustment of the relations between Government and the municipalities; and in connection with the Bill, the Lieutenant-Governor proposes to re-consider the subject of the status and remuneration of the village chowkidars, experience having shown reason to doubt whether the law which was passed in Council in the time of Sir W. Grey (Act VI, B.C., of 1870) meets the requirements of the country.

13. Should the Lieutenant-Governor find it possible to propose any measures which would have the effect of relaxing the stringency of the Sale Law, Act XI. of 1859, without materially affecting the safety of the realization of the land revenue, he believes that they would meet with the approval of Her Majesty's Secretary of State and of His Excellency the Governor-General in Council.

14. The Lieutenant-Governor does not understand that it would be the wish of the Secretary of State that the progress of any of the measures, for the introduction of which the leave of the Council has already been formally asked, should be stayed until the Secretary of State shall have had an opportunity of communicating his views on this letter; but His

Honor will be glad to be favoured with the instructions of His Excellency the Governor-General in Council on this point, as well as with permission to introduce the measures which are not already formally before the Legislative Council.

VII. No. 1127, dated Simla, the 7th July 1875.

From—A. HOWELL, ESQ, Officiating Secretary to the Govt. of India, Home Dept.,

To—The Secretary to the Government of Bengal.

I AM directed to acknowledge your letter No. 194, dated 15th January, regarding the submission to the Secretary of State of all important legislative measures before their introduction into the Bengal Legislative Council, and of all important alterations of principle made during the progress of such measures.

2. In reply, I am to observe that the responsibility of carrying the instructions of the Secretary of State into effect rests with the Government of Bengal, and the Governor-General in Council does not desire to interpose in regard to the exercise of that responsibility ; but as the Lieutenant-Governor has invited the opinion of the Government of India, I am to express concurrence in the Lieutenant-Governor's views, as stated in
- paragraph 14, that it was not necessary that the progress of any of the measures for the introduction of which the leave of the Council had already been formally asked should be stayed for the purpose of referring them to the Secretary of State.
 - Neither does it appear to the Government of India that any
 - of the measures, the speedy introduction of which was announced before the orders of the Secretary of State were conveyed to the Bengal Government, are of sufficient importance to be referred to the Secretary of State previous to
 - their introduction.

3. The Bill to amend the Abkari Act and the Bill for the Voluntary Registration of Mahomedan Marriages have already been reported to the Secretary of State. The Bill to settle disputes as to rent in certain cases has also been communicated to the Secretary of State, with the intimation that, the subject being one of urgent importance, the Bill has been introduced into the Bengal Legislative Council.

4. There are, the Government of India believe, no other proposals for legislation upon which the Lieutenant-Governor desires to receive any expression of opinion as to the manner in which they should be dealt with under the instructions of the Secretary of State, which were conveyed to the Government of Bengal with my letter of the 26th of December last. It may be convenient, however, to state the course of procedure which should in future be pursued by the Government of Bengal in regard to legislation.

5. It will rest with the Lieutenant-Governor to judge what proposed Bills are of sufficient importance to be reported to the Secretary of State previous to their introduction, as well as whether an amendment in a measure approved by the Secretary of State is of sufficient consequence to call for a further

To Secretary of State,
dated 28th July 1874, para-
graph 8.

From Secretary of State,
dated 15th October 1874,
paragraph 2.

report. The Lieutenant-Governor will observe that the Secretary of State has expressed his agreement with the Government of India that, for the reasons which are given in the correspondence, considerable discretion should be exercised in referring to England amendments introduced into Bills while under discussion in a Legislative Council.

6. In all cases in which the Lieutenant-Governor may consider it necessary to report a proposed Bill or proposed amendment of a measure approved by the Secretary of State, a letter should be addressed to the Government of India in the Legislative Department, giving an explanation of the

reasons for the introduction of the Bill or amendment, together with a copy of the Bill or amendment, and such other papers as may be necessary for the purpose of placing before the Secretary of State full information upon the subject. If the Government of Bengal consider the proposed Bill to be of an urgent character, and have therefore actually introduced it, a statement explanatory of the reasons for this course should be transmitted along with a copy of the Bill.

7. The Bill or amendment should not be proceeded with in the Bengal Legislative Council until a communication has been received from the Government of India in the Legislative Department, to the effect either that the Secretary of State has no objection to the proposed Bill or amendment, or that no reply has been received from the Secretary of State within two months from the date of the report.

8. It is to be recollected that the report of a Bill or amendment to the Secretary of State and the receipt of no opinion adverse to it from him is not to be considered as "necessarily implying on the part of Her Majesty a final approval of such legislation." "Considerations," the Secretary of State observes, "may arise in particular cases which may make it expedient to defer the expression of my opinion until the period at which the measure is sent to England for the assent or disallowance of the Crown."

*From Secretary of State,
dated 15th October 1874,
paragraph 4.*

- 9. The transmission of a proposed measure by the Government of India to the Secretary of State without remark should not, for the same reasons, be held to imply that the Governor-General will necessarily give his assent to such measure when transmitted to him.
- 10. The Lieutenant-Governor will observe that the report of measures proposed to be introduced into the Bengal Legislative Council to the Secretary of State is not intended to interfere with the powers entrusted to the Governor-General as regards the legislation of the Local Governments.

11. All Bills which are now included under the provisions of the 43rd section of the Indian Councils Act will, as heretofore, be submitted for the sanction of the Governor-General before they are taken into consideration in the Bengal Legislative Council or forwarded for report to the Secretary of State.

12. Similarly, under the instructions of the Secretary of State of the 1st of December 1862, all Bills containing penal clauses will, as heretofore, be submitted for the previous sanction of the Government of India.

13. In all ordinary cases no change is proposed to be made in the practice which has hitherto prevailed of leaving the preparation and introduction of Bills which do not require the previous sanction of the Governor-General or of the Government of India to the responsibility of the Government of Bengal. But in case the Lieutenant-Governor should desire the advice or assistance of the Government of India with regard to any measure, in whatever stage it may be, His Excellency in Council will always be ready to afford it.

VIII. No. 2818T, dated Darjeeling, the 10th October 1876.

From—R. L. MANGLES, ESQ., Offg. Secretary to the Government of Bengal, Judicial Department,

To—The Secretary to the Government of India, Home Department.

IN reference to the general instructions received by the

From Home Department,
No. 3039, dated 26th December 1874

To Home Department,
No. 194, dated 15th January 1875.

From Home Department,
No. 8—640, dated 15th April 1875.

From Home Department,
No. 1127, dated 7th July 1875.

From Home Department,
No. 2019, dated 7th December 1875.

Lieutenant-Governor in the correspondence marginally noted regarding the submission of projects of law to the Secretary of State before they are introduced into the Legislative Council of Bengal, I am directed to enquire whether the following procedure will sufficiently meet the object in view.

2. When the Government of Bengal may desire to bring a Bill before the Legislative Council, a despatch might be addressed to the Government of India explaining the proposed measure. The objects and all the essentials of the Bill would be set forth fully, so that superior authority might be able precisely to understand all that the Local Government desired to do. The despatch would state the time proposed by the Local Government for bringing the Bill into Council, that is, would explain that by such and such a date the Local Government, unless otherwise instructed, desired to lay the project of law before the Council.

3. Together with such despatch there might or might not be submitted a draft Bill; but not necessarily. If there should be technical details involved, the preparation of a draft Bill might not help to elucidate the question at first sight. And in many cases the real scope and intent of the measure, as a project of law, could be better understood from an explanatory despatch than from a draft Bill.

4. The Local Government would not ordinarily expect to receive any particular reply to such a despatch, unless superior authority should intimate any objection to such project. It would of course wait a sufficient time, according to the tenor of the instructions already received, in case any objection should be made, and then, if no instruction should arrive in any way militating against or precluding the introduction of the projected law for legislative consideration, the Local Government might unobjectionably proceed.

5. In cases where the proposed Bill might be only a consolidation measure, re-enacting existing laws in a connected form without enacting any new law, the Local Government might perhaps be at liberty to introduce a Bill without making a previous report, provided always that, if any new enactment had to be incorporated in any such consolidation measure during its progress through Council, a previous report would have to be made,

6. As legislative proceedings form so important a part of the work of the Government of Bengal, the Lieutenant-Governor hopes that the proposed procedure may be favourably considered.

IX. No. 1754, dated Simla, the 6th November 1876.

From—A. HOWELL, ESQ., Officiating Secretary to
the Government of India, Home Dept.,

To—The Offg. Secretary to the Government of
Bengal, Judicial Department.

I AM directed to acknowledge your letter No. 2818T, dated the 10th ultimo, regarding the submission of projects of law to the Secretary of State before their introduction into the Bengal Legislative Council, and, in reply, I am to say that the course which the Lieutenant-Governor proposes to pursue in this matter appears calculated to attain the object in view.

2. This correspondence will be forwarded to the Right Hon. the Secretary of State for India.

X. No. 1 (Legislative), dated India Office, London, the
18th January 1877.

From—Her Majesty's Secretary of State for India,
To—His Excellency the Right Hon. the Governor-
General of India in Council.

THE despatch of Your Excellency in Council, dated 8th December, No. 79 of 1876 (Public Department), forwarding copy of a letter from the Government of Bengal, in which the Lieutenant-Governor describes the course he proposes to adopt in regard to the submission of projects of law to the Secretary of State in Council before their introduction into the local Legislative Council, has been received and considered,

2. In reply, I have only to state that I concur with your Lordship's Government in considering that the course which the Lieutenant-Governor proposes to follow appears calculated to attain the object in view.

XI. No. 1052, dated Simla, the 13th August 1883.

From—D. FITZPATRICK, ESQ., Secretary to the Govt. of India, Legislative Dept.,

To—The Assistant Secretary to the Govt. of Bengal, Legislative Dept.

I AM directed to address you in regard to the submission of projects of law to the Secretary of State before they are introduced into the Legislative Council of Bengal.

2. In October 1876,* the Government of Bengal (Judicial Department), writing to the Government of India in the Home Department, with reference to the instructions issued on this subject in 1874-75, proposed that, whenever it was intended to bring a Bill (except a consolidation measure, pure and simple) before the Bengal Council, a letter should be addressed to this Government explaining the Bill, and stating when the Local Government proposed to proceed with it; and that, though ordinarily no reply would be expected to such a communication, a sufficient time would be allowed to elapse before the Bill was proceeded with.

3. These proposals met with the approval of the Government of India and the Secretary of State, but appear to have been rarely, if ever, acted upon by the Government of Bengal.

4. Attention having now been directed to this matter, I am to request that in future whenever a Bill, other than a mere consolidation Bill, is about to be introduced into the local Council, the procedure described in the letter from the Government of Bengal referred to above, and which have been briefly adverted to in the preceding paragraphs, may be followed as closely as possible.

* Letter No. 2818T, dated 10th October 1876.

5. I am also to request that, when a Bill is thus forwarded, it may be sent in duplicate.*

6. I am, in conclusion, to state that the instructions contained in the paragraph immediately preceding are not intended to supersede those contained in the letter from the Home Department, No. 1127, dated the 7th July 1875, paragraph 12, in regard to the submission to that department of such Bills as contain penal clauses.

XII. No. 390, dated Fort William, the 5th March 1885.

From—R. J. CROSTHWAITE, ESQ., Offg. Secy. to the
Govt. of India, Legislative Dept.,

To—The Assistant Secretary to the Government
of Bengal, Legislative Dept.

IN Mr. Fitzpatrick's letter No. 1052, dated 13th of August 1883, the Government of Bengal was instructed that, whenever it was intended to bring a Bill (except a consolidation measure, pure and simple) before the Bengal Council, a letter should be addressed to this Government explaining the Bill, and stating when the Local Government proposed to proceed with it ; and that, though ordinarily no reply would be expected to such a communication, a sufficient time should be allowed to elapse before the Bill was proceeded with.

2. In a recent case a Bill, which had been reported to the Government of India, was introduced in the Bengal Council before the Secretary of State had time to communicate with this Government concerning it.

3. I am accordingly to request that whenever the Government of Bengal reports, in accordance with the instructions contained in the letter above mentioned, its intention of introducing a Bill into the local Council, the Bill may not be proceeded with until a communication has been received from the

* Subsequently altered to 20 copies—*vide* No. XIII. of Part I., paragraph 3.

Government of India in the Legislative Department to the effect, either that the Secretary of State has no objection to the proposed Bill, or that no reply has been received from the Secretary of State within two months from the date on which the measure was reported to him.

XIII. Extract from letter No. 2840 of the 31st December 1884, from the Deputy Secretary to the Government of India, Legislative Department.

* * * * * *

2. I am to invite attention to the letter from this department No. 1052, dated the 13th August 1883, and to request that in future a separate letter in respect to each Bill may be submitted in accordance with paragraph 4 thereof, as the course adopted in the case of the above Bills of sending a general letter is found to be inconvenient.

3. I am also to request that this department may be supplied with 20 instead of two copies of every such Bill and connected papers in future.

PART II.

(Procedure with regard to Bills which conflict with any Statute or Act of the Governor-General.)

I. No. 1586, dated Fort William, the 19th December 1878.

From—D. FITZPATRICK, ESQ, Secy. to the Govt. of India, Legislative Department,

To—The Assistant Secretary to the Government of Bengal, Legislative Department.

I AM directed to request that when any Bill, either pending before or about to be introduced into the Bengal Legislative Council, is submitted for the consideration of the Government of India, or for previous sanction, or when any Bill is passed and is submitted for the assent of His Excellency the Governor-

General, any existing law on which any of the sections are based should be noted in the margins of those sections.

II. No. 1290T., dated Darjeeling, the 19th July 1879.

From—HORACE A. COCKERELL, ESQ., Secretary to the Government of Bengal, Judicial, Political, and Appointment Departments,

To—The Assistant Secretary to the Government of Bengal, Legislative Department.

IN forwarding herewith a copy of a letter No. 572, dated the 23rd May last, from the Government of India in the Legislative Department, I am directed to request that in any case in which you consider that a Bill " may possibly conflict with some Statute or some Act of the Governor-General in Council which the local Legislature is precluded from affecting, or restrict the jurisdiction of the local High Court," you will refer the matter to the Lieutenant-Governor through the Secretary of the department from which the Bill originated.

III. No. 572, dated Simla, the 23rd May 1879.

From—D. FITZPATRICK, ESQ., Secretary to the Govt. of India, Legislative Dept.,

To—The Secretary to the Government of Bengal, Judicial Department.

I AM directed to inform you that His Excellency the Viceroy and Governor-General has for some time past had under his consideration the inconvenience occasionally resulting from his assent being refused to Bills of the local Councils which conflict with Acts of Parliament or with the Acts of the Governor-General in Council passed subsequent to 1861, or affect *in malam partem* the jurisdiction of the High Courts.

2. The difficulty of dealing with such Bills was felt as far back as the year 1869. The Governor-General, it was then

observed, had a power to refuse his assent to them ; but this power was obviously one which it was desirable to avoid as far as possible having recourse to ; and accordingly it was proposed (in this office letter No. 172, dated 15th June 1859, to your address) that in order to obviate difficulties of the nature now referred to, as also to ensure greater accuracy in drafting and more complete harmony in the law of British India as a whole, every local Bill should, at some stage of its progress, be submitted to the Government of India for examination and comment.

This proposition met with the entire approval of the Secretary of State in Council, who expressed his belief that it would lead to reforms of great practical value ; but it was not favourably received by the Local Governments concerned, and was accordingly dropped.

3. The result of this has been that Acts have continued to be from time to time passed by the local Legislatures which, on examination here, have proved to be manifestly *ultra vires*, and His Excellency has been compelled, though much against his will, to refuse his assent to them. The cases in which this has occurred have not been numerous ; but they involve so much inconvenience when they occur, that it seems to His Excellency desirable to seek some means of avoiding their occurrence.

- 4. The system proposed in the year 1869 would, His Excellency apprehends, be as little acceptable to the Local Governments now as it was then ; and he has no intention of again proposing it. Moreover, no such extensive examination or
- free handling of the drafts of the local Legislatures, as it ap-
- pears to have contemplated, would seem to be required in order to ensure the limited object now in view, namely, that of guarding against the Bills being *ultra vires* of the local Legislatures. But it appears to His Excellency that much of the difficulty now felt might be avoided if Local Governments,

when they have occasion to introduce Bills which may possibly conflict with some Statute or some Act of the Governor-General in Council, which the local Legislature is precluded from affecting, or restrict the jurisdiction of the local High Court, were to submit copies of those Bills to His Excellency through this department for previous examination.

His Excellency has no desire to press this suggestion on the Local Governments. He merely directs me to intimate that, if any Local Government thinks fit to act on it in any case, he will arrange for the examination of the draft submitted, and for communicating, at an early date, the result of that examination.

PART III.

(Procedure with regard to Bills which contain penal clauses.)

I. No. 35, dated India Office, London, the 1st December 1862.

From—Her Majesty's Secretary of State for India,

To—His Excellency the Right Hon. the Viceroy and Governor-General of India in Council.

YOUR letters Nos. 16, 17, and 18, dated 5th September

By the Council of the Governor of Madras.

1st.—“An Act to make better provision for the management of boats and catamarans in the Madras Roads.”

2nd.—“To prevent damage to the pier, to regulate the traffic, and to provide for levying of tolls upon the same.”

By the Council of the Governor of Bombay.

“An Act for the establishment and regulation of reformatory schools for juvenile offenders.”

1862, having been considered by me in Council, I have to express my approval of your Lordship having withheld, for the reasons stated in your minutes of the 25th July and the 13th August last, your assent to the Acts noted in the margin.

2. Cases no doubt will occasionally occur where special legislation by the Local Governments for offences not included in the Penal Code will be re-

quired. In these cases the general rule should be to place such offences under penalties already assigned in the Code to acts of a similar character. This mode of legislation, though an addition to, cannot be deemed an alteration of,

the Penal Code. But if any deviation is considered necessary, then the law requires that your previous sanction should be obtained.

3. It was the intention of Her Majesty's Government that, except in local and peculiar circumstances, the Code should contain the whole body of penal legislation, and that all additions or modifications suggested by experience should from time to time be incorporated in it. And the duty of maintaining this uniformity of course devolves upon Your Excellency in Council.

4. As a general rule, for the guidance of the local Council it would probably be expedient, and this appears also to be your own view, that all Bills containing penal clauses should be submitted for your previous sanction.

II. *Note by the Advocate-General of Bengal.*

IF I mistake not, the Madras and Bombay Bills were refused the assent of the Governor-General on the ground that they dealt with offences which were already provided for by the Code, and that they imposed different penalties from those laid down in the Code. I do not think any of the Bills heretofore passed by, or which are now before, the Bengal Council are open to this objection.

I have a good deal of doubt whether we could pass a Bill, without previous sanction, the offences made penal by which are expressly brought under some head of the Code. I apprehend that a Bill declaring such and such acts to come within the provisions of any particular section of the Code would be a Bill "altering the Penal Code."

Treating the Bills now in Committee as dealing with new offences, for which the Code in no way provides, and thus as *adding* to the Code, there is nothing in the Councils Act, that

I can see, to render the previous sanction of the Governor-General necessary.

The 22nd January 1863.

(Sd) T. H. COWIE.

- III. Extract from a Legislative Despatch from Her Majesty's Secretary of State for India, No. 41, dated 17th August 1863.

5. It appears to me advisable that your Lordship in Council should issue particular instructions to the Local Governments, pointing out to them the inconvenience arising from legislation both by the Supreme and Local Governments for the same offence, and enjoining upon them, in every instance in which a penalty for an offence is inserted in any Bill, carefully to consider whether the Penal

· Whoever commits mischief shall be punished with imprisonment of either description for a term which may extend to three months, or with fine or with both.

† In cases in which, by the sentence or order of any Criminal Court, a fine is imposed upon a conviction for any offence made punishable by fine, it shall be lawful for such Court to order that the fine, or any part thereof, not exceeding the loss appearing to be caused to the person who has suffered by such offence, and any special damage of a pecuniary nature that may have resulted to such person by such offence, and any expenses incurred by the complainant in the prosecution as the Court may consider reasonable and proper, be paid to or for the benefit of such person according to the discretion of the Court, and in every such case the fine, when levied or paid, shall be paid and distributed accordingly.

Code has not already sufficiently provided for the proposed case.

6. Nothing could more strongly exemplify the necessity for such precaution than the provision in the 29th section of the Act now under consideration. The injury and punishments provided for specially in that section were amply provided for by section 426 of the Penal Code* and section 44 of the Code of Criminal Procedure,† and a reference to these sections would have attained the same object, and to as full an extent without incurring the inconvenience of double legislation.

7. There may be cases in which it may be expedient, for special reasons,

to modify the provisions of the Penal Code in respect of offences which may alter their character, and deserve a different or a more severe punishment than the Code prescribes, through the circumstances of the offender or the capacity he may happen to fill. But in every such case the Local Government should submit the matter for your consideration, with a full statement of the grounds on which it is proposed to alter the provisions of the Code, and obtain your previous sanction to the same as required by the Indian Councils Act, before laying the measure, of which such alteration forms a part, before the local Council at its meetings for making Laws and Regulations.

IV. No. 3237, dated Fort William, the 6th April 1865.

From—The Secy. to the Govt. of India, Home Dept.,

To—The Assistant Secy. to the Govt. of Bengal.

I AM directed to return, with the assent of the Governor-

“For the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta, and in towns to which Act III. of 1864, passed by the Lieutenant-Governor of Bengal in Council, has been or shall hereafter be extended.”

General signified thereon, the authentic copy of the Bill received with your letter No. 7, dated the 28th ultimo.

2. At the same time, however, I am desired to draw the attention of the

Lieutenant-Governor to the practice of submitting to the Viceroy, previous to introduction, all Bills containing penal clauses, suggested in the last paragraph of the despatch of the Right Hon. the Secretary of State, No. 35, dated 1st December 1862, a copy of which was forwarded for the information of the Government of Bengal.

3. I am also desired to suggest that when, as in the present instance, military affairs or Military authorities are affected by any proposed Bill, it would be expedient to refer the question, in the first instance, to the Military Department of the Government of India for an expression of opinion. It is obvious that this course will ordinarily save much correspondence subsequent to the passing of the Bill, and much delay in obtaining the assent of the Governor-General to it.

V. No. 3296, dated Fort William, the 8th May 1865.

From—The Secretary to the Government of Bengal,
To—The Secretary to the Government of India,
Home Department.

WITH reference to your letter No. 3237, dated the 6th ultimo, to the address of the Assistant Secretary to this Government in the Legislative Department, I am directed by the Lieutenant-Governor to point out that the practical difficulty in the way of submitting to His Excellency the Viceroy, previous to introduction, as indicated in your letter, or for the previous sanction of the Governor-General in Council, as suggested in the Secretary of State's despatch, No. 35, dated the 1st December 1862, all Bills containing penal clauses, is that it is impossible beforehand to bind the Members of the Council to affix certain penalties to certain offences before they have even considered the nature and scope of the Bill itself, and that, though the consent of His Excellency the Viceroy, or the sanction of the Governor-General in Council, might be obtained to a Bill, it would not be certain that the Council would, when the Bill came before them, adopt it in its sanctioned form, and an amendment might be introduced contrary to the conditions of His Excellency the Viceroy's consent, or the sanction of the Governor-General in Council.

2. If, on the other hand, it be held that the consent of His Excellency the Viceroy, or the sanction of the Governor-General in Council, having been previously obtained to a Bill before the Council have considered it, the Council are bound to pass it in the form in which it stood when that consent or sanction was granted, no non-official Member will probably be found willing to serve in the Council, and indeed there would be little use in having a local Council, for there are few Bills which do not contain some penal clauses.

3. It has not been understood that the suggestion made in the Secretary of State's despatch was in the nature of an

order, or that it had been accepted by the Government of India, for the despatch was sent to this Government for information only—not for guidance—and no intimation was given that it was the wish of the Government of India that it should be acted on, or their belief that it practically could. Many Bills have been passed by the Bengal Council since that despatch was communicated—most of them containing penal clauses, and all have been honoured by the assent of the Governor-General. It seems better that this state of things should continue, and that the local Council should be left, as heretofore, free to exercise the legislative functions entrusted to it by law, in accordance with the general views of Her Majesty's Government and the Government of India, and subject to the assent of the Lieutenant-Governor and of His Excellency the Governor-General.

4. The course indicated by the Secretary of State was suggested as one to be followed only *as a general rule*, but from your letter under reply it seems to have been understood as one to be followed on all occasions, without exception. This is the first intimation the Lieutenant-Governor has had of this construction being put upon the Secretary of State's remark. If, however, it is desired that any discretion at all should be left to the local Council in the matter, instructions are solicited as to when the rule is to be observed and when it may be departed from.

5. With reference to paragraph 3 of your letter under reply, I am to say that the Lieutenant-Governor does not understand that military affairs or Military authorities are affected by the Bill for the prohibition of the practice of Inoculation in the Town and Suburbs of Calcutta. The power of making rules and regulations for the sanitation of cantonments is vested in the Lieutenant-Governor, provided such rules and regulations are not inconsistent with the provisions of Act XXII. of 1864, *or of any other law in force*; but no such rule

or regulation can take effect until confirmed by the Governor-General in Council. The provisions of a Bengal Act cannot affect or override those of an Act of the Government of India passed last year, and the simple effect of the clause in the Bengal Act, which refers to a military cantonment, is to enable the Lieutenant-Governor, without reference to vaccine arrangements, and in conformity with a law in force, to frame rules and regulations for preventing inoculation in cantonments, subject to the confirmation of the Governor-General in Council. Without such a provision of law it is doubtful whether a rule for the prevention of inoculation in cantonments could have been legally passed. If the Bill had affected the discipline of any part of Her Majesty's military forces, it would have been submitted to His Excellency the Governor-General in the first instance for the requisite legal sanction. I am to add that, in the present instance, it would have been impossible to refer the question to the Military Department, for the Bill, as originally drawn, had reference only to Calcutta, and its scope was extended by an amendment in Council.

VI. No. 1393, dated Simla, the 10th June 1865.

From—The Secretary to the Government of India,
Home Department,

To—The Secretary to the Government of Bengal.

I AM desired to acknowledge the receipt of your letter No. 3296, dated the 8th of May, and in reply to communicate the following observations.

A consideration of the expediency of maintaining uniformity in the substantive Criminal Law throughout India led the Imperial Parliament, in the Indian Councils Act of 1861, to prohibit the local Councils from altering in any way the Penal Code of India, except with the sanction of the Governor-General previously communicated.

The suggestion of the Secretary of State, which is commented upon in your letter (and which

2. Cases no doubt will occasionally occur when special legislation by the Local Governments for offences not included in the Penal Code will be required. In these cases the general rule should be to place such offences under penalties already assigned in the Code to Acts of a similar character. This mode of legislation, though an addition to, cannot be deemed an alteration of, the Penal Code. But if any deviation is considered necessary, then the law requires that your previous sanction should be obtained.

4. As a general rule, for the guidance of the local Councils, it would probably be expedient, and this appears also to be your own view, that all Bills containing penal clauses should be submitted for your previous sanction.

is cited in the margin), that Bills containing penal clauses should be submitted for the previous sanction of the Governor-General, was intended to anticipate the very possible occurrence of a difference of opinion arising as to what is an alteration of the Penal Code, and the course recommended by the Secretary of State was so obviously calculated to effect its purpose, and to preserve harmony of action between the Governor-General and the local Councils, that the Governor-General did not hesitate at once to communicate it to the several Governments concerned.

The Governors of Bombay and Madras, to whom the Secretary of State's despatch was forwarded in the same manner as to the Government of Bengal, have accepted it in this spirit, and the Governor-General believes that, if it be so accepted, no difficulty need exist as to the construction to be put upon it. Nor does His Excellency apprehend that the non-official Members of the Lieutenant-Governor's Council will consider the Secretary of State's suggestion as operating in any way to control their independent action. It certainly was not offered with any such object, nor does it seem to the Governor-General that such a meaning can reasonably be attributed to it.

The suggestion contained in the last paragraph of my letter No. 3237, dated the 6th April, was accompanied by a full explanation of the reason for making it, and it did not in any way question or limit the authority of the Lieutenant-Governor's Council, as appears to be assumed in the fifth paragraph of your letter.

PART IV.

(Procedure with regard to Bills which contain provisions for the creation of special funds.)

I. No. 1275, dated Simla, the 19th June 1877.

RESOLUTION—By the Government of India, Financial Department.

READ the following papers regarding the Secret Service Fund in Bombay :—

To Government of Bombay, No. 3343, dated 16th September 1875.

From Government of Bombay, No. 5651, dated 6th October 1875.

To Government of Bombay, and Accountant-General, Bombay, No. 4390, dated 29th October 1875.

From Accountant-General, Bombay, No. 11567, dated 26th November 1875.

From Government of Bombay, No. 2689, dated 27th April 1877.

RESOLUTION.—Funds have been created by various laws and orders, the appropriation of which is restricted to defined purposes. It is often found inconvenient that the action and discretion of the executive authorities should be thus hampered and confined : moreover, such funds are apt to be forgotten and sometimes misused.

2. The Governor-General in Council is accordingly pleased to decide that in future no fund shall be constituted by any executive order without the special permission of the Government of India in this department, and that in like manner provision shall not be made by the Government in any Bill to be introduced into any Legislative Council in India for the creation of such a fund until the expediency of the measure has been specially considered in the Financial Department of the Government of India.

3. It should be understood that, as a rule, objections are felt

to the creation of such funds, and especially to their creation by an Act of the Legislature, unless in any case, as, for instance, in the case of the "University Fee Fund," the assets and liabilities are altogether separate and distinct from the general assets and liabilities of the State.

4. Before proposals are submitted for the creation of a fund with special separate liabilities, and from assets that would otherwise belong to the general treasury of the Government, either Imperial or Provincial, it should always be carefully considered whether the object in view cannot be attained by some simpler and more elastic method, which would be less subject to oversight or abuse, and which would not require so much vigilance and supervision by the Government.

ORDERED—That this Resolution be distributed for information and guidance as follows:—

To the several Departments of the Government of India ;

To the several Local Governments and Administrations ; and

To the Comptroller-General, and to the several Accountants-General and Deputy Accountants-General in independent charge.

(Appendix to Government Resolution No. 50, dated 30th March 1893.)

Voting paper No. _____ issued on *(date)* _____ to *(name)* _____, a representative appointed by the _____ Municipality _____ of *(name)* _____ District Local Board _____ of Bombay as an Additional Member of His Excellency's Council for the purpose of recommending a person for nomination by the Governor of Bombay as an Additional Member of the Regulations only in pursuance of the Regulations framed by the Government of India under the Indian Councils Act, 1892, to be filled up and returned so as to reach the Commissioner, S. D., on or before *(date)* _____.

(b).—List of Candidates from among whom selection is to be made.

(a).—Space for Vote.	1 Number.	2 Name, residence, and station.	3 By whom proposed and seconded.	4 Municipality _____ District Local Board _____ to which proposer and seconder belong.
			Signature of representative— Date of signature—	

Instructions for filling in.

The blanks in the heading and in columns 1, 2, 3, and 4 under column (b) are to be filled up by the Commissioner before issue. One vote only may be given. The number and name of the candidate it is desired to recommend should be written legibly by the representative in the space provided in column (a) for the purpose, opposite his number and name in list (b). This voting paper after being filled in as directed must be signed and dated by the representative to whom it is issued, with his own hand, inclosed in a sealed envelope, endorsed outside by the representative, also in his own handwriting if possible, and returned through the President of the _____ Municipality _____ of which he is a representative to the Commissioner, S. D., so as to reach that officer by the date named in the last line of the heading at latest. If the representative is unable to write, his signature should be attested by the President of the Body by which he has been appointed.

ADDENDUM.

REGULATIONS UNDER SECTION 1 (4) OF THE INDIAN COUNCILS ACT, 1892, FOR THE NOMINATION OF ADDITIONAL MEMBERS OF THE COUNCIL OF THE GOVERNOR-GENERAL OF INDIA.*

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

NOTIFICATION.

Simla, the 23rd June 1893.

No. 19.—In exercise of the power conferred by section 1, sub-section 4, of the Indian Councils Act, 1892 (55 and 56 Vict., Chap. 14), the Governor-General in Council has, with the approval of the Secretary of State for India in Council, made the following Regulations for the nomination of Additional Members of the Council of the Governor-General of India.

I.—Of the persons to be nominated Additional Members of Council by the Governor-General for his assistance in making Laws and Regulations not more than six shall be officials.

II.—The nominations to five seats shall be made by the Governor-General on the recommendation of the following bodies respectively, namely,—

A.—The non-official Additional Members of the Council of the Governor of the Presidency of Fort St. George.

* Issued too late for insertion in the body of the book.

ADDENDUM.

B.—The non-official Additional Members of the Council of the Governor of the Presidency of Bombay.

C.—The non-official Members of the Council of the Lieutenant-Governor of the Bengal Division of the Presidency of Fort William in Bengal.

D.—The non-official Members of the Council of the Lieutenant-Governor of the North-Western Provinces and Oudh.

E.—The Calcutta Chamber of Commerce.

III.—The Governor-General may at his discretion nominate persons to such of the remaining seats as shall not be filled by officials in such manner as shall appear to him most suitable with reference to the legislative business to be brought before the Council and the due representation of the different classes of the community.

IV.—When a vacancy occurs and is to be filled under Rule II. of these Regulations, the Governor-General shall cause the proper body to be requested to recommend a person for nomination by the Governor-General.

V.—The recommendation shall be made—

(a) in the case of the non-official Additional Members or non-official Members of a Local Council, by a majority of votes of such members ;

(b) in the case of the Calcutta Chamber of Commerce, in the manner laid down in the rules of the Chamber for carrying resolutions or recording decisions upon questions of business brought before it.

VI.—It shall be a condition in the case of any person to be recommended by the non-official Additional Members or non-official Members of a Local Council that he shall be a person ordinarily resident within the province for which such Council is appointed.

VII.—If within two months after receiving the request of the Governor-General as provided by Rule IV. the body fails to make a recommendation, the Governor-General may nominate at his discretion a person belonging to the province or class which the body is deemed to represent.

VIII.—If the Governor-General shall decline to nominate any person who has been under these Regulations recommended for nomination, a fresh request shall be issued as provided in Rule IV., and the procedure laid down in Rules V. and VII. shall apply.

IX.—(a) As soon as conveniently may be after these Regulations come into force, five of the seats held by non-official persons shall be filled up by recommendation under Rule II.

(b) If there shall not be the full number of five vacancies available at once for this purpose, the Governor-General shall determine at his discretion which of the bodies or groups mentioned in Rule II. shall be requested to recommend the persons to fill up such vacancies as may then be available, and so whenever and as often as any further vacancies among non-official Members become available, until the full number of five has been completed.

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